



१८/४/१९९४

भारत का राजपत्र

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No. 17] NEW DELHI, SATURDAY, APRIL 23, 1994/VAISAKHA 3, 1916

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के लिए यह
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड ३—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

कार्यालय, लोक शिक्षायत तथा पेंशन मंत्रालय
(कार्यालय और प्रगिक्षण विभाग)

आदेश

नई दिल्ली, ५ अप्रैल, 1994

सरकारी की शक्तियों और अधिकारिता का विस्तार संपूर्ण
आन्ध्र प्रदेश राज्य पर करती है:—

आर. सी. स. और विधि की अभियुक्त के नाम
घाराएं

का. आ. ९३५.—केंद्रीय सरकार दिल्ली विशेष
पुस्तक स्थापन अधिनियम, १९४६ (१९४६ का २५) की
धारा ६ के साथ पठित धारा ५ की उपधारा (१) द्वारा
प्रदत्त शक्तियों का प्रयोग करते हुए, आन्ध्र प्रदेश राज्य सरकार
की सहमति से, जो गृह (एस. सी. ए.)/विभाग ओ. ओ.
आर. सी. स. २५०४, दिनांक १६-९-१९९३ द्वारा प्रदान
की गई थी, केन्द्रीय जांच व्याचे द्वारा रजिस्ट्रीकूट आर.
सी. ७(क)/९३-हैदराबाद, दिनांक १५-३-१९९३ में नीचे
उपर्युक्त मुख्य संगठन अधिनियम के उगलेंद्रों के अधीन दंडनीय
अपराधों और उक्त अपराधों तथा वैसे ही और/या उन्हीं या
उनसे संबंधित स्थियों से उद्भूत होने वाले संब्यवहार के अनु-
क्रम में किए गए किन्हीं श्रम्य अपराधों के संबंध में या उनसे
मंसकृत प्रयत्नों, दुष्प्रेरणों और पड़यन्त्र के जिनके बारे में यह
अभिकथन है कि वे निम्नलिखित प्राइवेट व्यक्तियों द्वारा किए
गए हैं अन्वेषक के लिए दिल्ली विशेष पुलिस स्थापन के

भारतीय दड़ सहिता की	१. श्री ए. एम. रामनाथसाह धारा ४७क, भ्रष्टाचार निवारण अधिनियम, १९८८ की धारा १३(१)(ष) के साथ पठित धारा १३(२) के अधीन आर. सी. ७ (क)/९३-हैदराबाद, तारीख १५-३-१९९३
	२. श्री एन. एन. श्रीनिवास राव, सुपुत्र ए. न. प्रिनिवास राव, प्रबंध निदेशक, मैसर्ट, सोलिडेयर इंडिया लि., गांधी नगर, अड्डार, मद्रास।

	३. श्री एन. एन. श्रीनिवास राव, सुपुत्र स्वर्गीय श्री ए. आर. नारायण राव, प्रबंधक सोलिडेयर इंडिया, लि., गांधी नगर, अड्डार, मद्रास।
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[संख्या २२८/६/९४-ए. बी. डी.-II]
आर. एस. विष्ट, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
(Department of Personnel and Training)

ORDER

New Delhi, the 5th April, 1994

S.O. 935.—In exercise of the powers conferred by sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Andhra Pradesh vide Home (SC-A)/Department G.O. Rt. No. 2504, dated 16-9-1993 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the offences in R.C. 7(A)/93-Hyderabad dated 15-3-1993 registered by CBI and attempts, abettments and conspiracies in relation to or in connection with said offences and any other offences or offences committed in the course of the same transaction arising out of the same facts, punishable under the provisions of relevant Act as indicated below alleged to have been committed by the following private persons :—

R.C. No. & Sections of Law Name of the accused

R.C. 7(A)/93-Hyderabad, dated 15-3-1993 under Section 477-A Indian Penal Code, 13(2) read with 13(1) (d) of the Prevention of Corruption Act, 1988.	1. Sri A.S. Ramana Prasad, S/o A.N. Grinivasa Rao, Managing Director, M/s. Solidaire India Ltd., Gandhi Nagar, Adayar, Madras. 2. Sri A.N. Srinivasa Rao, S/o Late Sri A.N. Narayana Rao, Chairman, Solidaire India Ltd., Gandhi Nagar, Adayar, Madras.
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[No. 228/6/94-AVD. II]
R.S. BHIST, Under Secy.

आदेश

नई दिल्ली, 7 अप्रैल, 1994

का. आ. 936.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा राजस्थान राज्य सरकार के, गृह (गृह-5)/विभाग के आदेश सं. प-24(5)-गृह-5/92 दिनांक 7-1-1994 द्वारा, प्राप्त सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तारण, भारतीय दंड संहिता, 1860 (1860 का 45) की धारा 498-ए और 304-बी के अधीन प्राप्तामात्रा पुलिस स्टेशन, जिस उदयपुर (राजस्थान) में रजिस्टर्ड एफ. आई. आर. सं. 150/91 से संबंधित अपराधों अथवा इस मामले से उत्पन्न वैसे ही संबंधित के अनुक्रम में किए गए किसी भ्रष्ट अपराध अथवा अपराधों के अन्वेषण के लिए, संपूर्ण राजस्थान राज्य पर करती है।

[लेखा 228/51/92-ए. बी. दी. (II)]

मार. एस. बिष्ट, प्रबंध सचिव

ORDER

New Delhi, the 7th April, 1994

S.O. 936.—In exercise of the power conferred by sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Rajasthan accorded vide Home (CR. V) Department Order No. F-24(5)-Home-5/92 dated 7-1-1994 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Rajasthan for investigation of the offences in FIR No. 150/91 registered at Police Station Ambamata Distt. Udaipur (Rajasthan) under Sections 498A and 304B of the Indian Penal Code, 1860 (45 of 1860) or any other offence or offences committed in the course of the same transaction arising out of the said case.

[No. 228/51/92-AVD.II]
R. S. BISHT, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 2 फरवरी, 1994

(आयकर)

का.आ. 937.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री आनमामालाई मुझ नांगुली यादास” को करनिधारिण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्यधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है अधिकृति :—

- [(i) करनिधारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा असम्युक्तया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- [(ii) करनिधारिती उपर-उल्लिखित करनिधारिण वर्षों से संगत पूर्णवर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अवधि एक से अधिक दो अवधियां तरीकों से भिन्न तरीकों से इसकी नियि (जैवर्जवाहिरात, फर्माचिर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक प्रशंशान से भिन्न) का निवेश नहीं करेगा अवधि उसे जमा नहीं करवा सकेगा;
- [(iii) यह अधिसूचना किसी ऐसी आय के संबंध में नागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त करनिधारिती के उद्देश्यों की

प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारो-बार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9470/फा. सं. 197/262/89-आयकर नि-1]
गरत चन्द्र, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi, the 2nd February, 1994
(INCOME-TAX)

S.O. 937.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Vanamamalai Mutt, Nanguneri, Madras", for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9468/F. No. 197/262/87-ITA-J]
SHARAT CHANDRA, Under Secy.

नई दिल्ली, 22 फरवरी, 1994

(आयकर)

का.आ. 938 —आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हुए केन्द्रीय सरकार एवं दूर्दारा "पीर हाजी अली दरगाह ट्रस्ट बंड्डी" को कर निधारण वर्ष 1991-92 से 1993-94 तक के लिए निम्न-लिखित शर्तों के प्रधाधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निधारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका मन्त्रयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के

लिए करेगा जिनके लिए इसकी स्थापना की गई है;

- (ii) कर-निधारिती उपर-उल्लिखित कर-निधारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अधिके धौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक बंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाविरात फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाय में स्वैच्छिक अंशदान से निप्र) का निवेश नहीं करेगा अथवा उसे जमा महीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अधिनाम के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निधारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9482/फा. सं. 197/64/92-आयकर (नि-1)]
गरत चन्द्र, अवर सचिव

New Delhi, the 22nd February, 1994

(INCOME-TAX)

S.O. 938.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Pir Haji Ali Dargah Trust, Bombay" for the purpose of the said sub-clause for the assessment years 1991-92 to 1993-94 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9482/F. No. 197/64/92-ITA-I]
SHARAT CHANDRA, Under Secy.

नई दिल्ली, 2 मार्च, 1994
(आयकर)

का.प्रा. 939—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “रामकृष्ण वेदांत मठ, कलकत्ता” को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्यधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है अर्थात् :—

- कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनायतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9487/फा. सं. 197/81/93-आयकर नि. -1]
शरत चन्द्र, अवर सचिव

New Delhi, the 2nd March, 1994

(INCOME-TAX)

S.O. 939.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Ramakrishna Vedanta Math, Calcutta” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms

or modes specified in sub-section (5) of Section 11;

- iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.

[Notification No. 9487/F. No. 197/81/93-ITA-I]
SHARAT CHANDRA, Under Secy.

नई दिल्ली, 4 मार्च, 1994

(आयकर)

का.प्रा. 940.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “हिंज होलीनेस दि दलाईलामास चैरिटेबल ट्रस्ट धर्मशाला, हिमाचल प्रदेश” को कर-निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्यधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है अर्थात् :—

- कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए हमका संचयन पूर्णतया तथा अनायतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9491/फा. सं. 197/137/93-आयकर नि. -1]
शरत चन्द्र, अवर सचिव

New Delhi, the 4th March, 1994
(INCOME-TAX)

S.O. 940.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “His Holiness The Dalai

Lama's Charitable Trust, Dharamsala, Himachal Pradesh" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9491/F. No. 197/137/93-ITA-II
SHARAT CHANDRA, Under Secy.

नई दिल्ली, ९ मार्च, 1994

प्रायकर.

का.प्रा. 941.—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 80ठ की उपधारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "थाली महाविष्णु टैम्पल, अनितहिलम, मालापुरम जिला, केरल" को संपूर्ण केरल राज्य में प्रतिष्ठित सार्वजनिक पूजा स्थल के रूप में उक्त धारा के प्रयोगनार्थ अधिसूचित करती है।

[अधिसूचना सं. 9496 /फा. सं. 176/16/94-प्रायकर नि.-1]
शरत चन्द्र, प्रवर सचिव

New Delhi, the 9th March, 1994

INCOME-TAX

S.O. 941.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80 G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Thali Mahavishnu Temple, Azhinhilam, Malappuram District, Kerala" to be a place of public worship of renown throughout the State of Kerala for the purpose of the said section.

[Notification No. 9496/F. No. 176/16/94-ITA-I]
SHARAT CHANDRA, Under Secy.

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 28 मार्च, 1994

का.प्रा. 942.—प्रायकर अधिनियम, 1961 की धारा 36 की उपधारा (1) के खंड (8) में प्रदत्त शक्तियों का प्रयोग करते

हुए, केन्द्रीय सरकार एतद्वारा मैसर्स की फिल होम्स लिमिटेड, शांति कुटीर, सं. 32, 11वां तल रेसकोर्स रोड, बंगलौर-560001 को एक कंपनी के रूप में कर निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए उक्त खंड के प्रयोगनार्थ अनुमोदित करती है।

2. यह प्रायोगिक इस खंड पर किया जाता है कि कंपनी आयकर अधिनियम, 1961 की धारा 36(1)(8) के प्रावधानों के अनुच्छेद होगी और उक्ता अनुपालन करेगी।

[अधिसूचना सं. 9513 /पा. सं. 204/7/93-प्रायकर नि.-JJ]
श्रीमत कुमार, प्रवर सचिव

(Central Board of Direct Taxes)

New Delhi, 28th March, 1994

S.O. 942.—In exercise of the powers conferred by clause (viii) of sub-section (1) of Section 36 of Income-tax Act, 1961, the Central Government hereby approves M/s. Can Fin Homes Limited, Shanti Kutir, No. 32, 11th Floor, Race Course Road, Bangalore-560001 as a company for the purpose of said clause for assessment years 1994-95 to 1996-97.

2. The approval is subject to the condition that the company will conform to and comply with the provisions under section 36 (1) (viii) of Income Tax Act, 1961.

[Notification No. 9513/F. No. 204/7/93-ITA-II]
AJAY KUMAR, Under Secy.

(आर्थिक कार्य विभाग)

(वैमिक प्रभाग)

नई दिल्ली, ५ अप्रैल, 1994

का.प्रा. 943.—राष्ट्रीय बैंक (प्रबंध और प्रकीर्ण उद्देश्य) स्कीम, 1970 के खंड 5 के उपखंड (1) खंड 7 और खंड 8 के उपखंड (1) के माध्य पटित खंड 3 के उप खंड (क) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक के ग्राम परामर्श बोर्ड के पदचारी एतद्वारा ओरियन्टल बैंक ऑफ काम्पस एवं वर्नमान कार्यपालक निदेशक श्री आर.सी. कपूर को उनके हारा कार्गं-भार श्रहण करने की तारीख से 31 दिसंबर, 1995 तक की अवधि के लिए युनाइटेड बैंक ऑफ इंडिया के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करनी है।

[सं. पा. 9/33/93-बी.ओ-II]
एम. पा. शीतारामन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th April, 1994

S.O. 943.—In pursuance of sub-clause (2) of clause 3 read with sub-clause (1) of clause 5, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Govern-

ment, after consultation with the Reserve Bank of India, hereby appoints Shri R. C. Kapoor, presently Executive Director, Oriental Bank of Commerce, as the Chairman and Managing Director of United Bank of India for the period from the date of his taking charge and upto 31st December, 1995

[F. No. 9/33/93-B.O.I]
M. S. SEETHARAMAN, Under Secy.

तदे दिल्ली, 7 अप्रैल, 1994

का.आ. 944.—दर्शन श्रौद्धोगिक कंपनी (विशेष उप-बंध) अधिनियम, 1985 (1986 का 1) की धारा 6 की उप धारा (2) के साथ पठित धारा 4 की उपधारा (2) द्वारा प्रदत्त शक्तियों के प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा भूतपूर्व मन्त्रिय, परिवार कल्याण विभाग, श्रीमती उषा बोहरा, भारतीय प्रशासनिक सेवा (पंजाब-60) (सेवानिवृत्त) को उनके कार्यभार प्रहण करने की तारीख से 31 मार्च 1996 तक की अवधि के लिए श्रौद्धोगिक तथा वित्तीय पुनर्निर्माण बोर्ड के सदस्य के रूप में नियुक्त करती है।

[सं. 7/2/94-बी. श्रौ.आई]
एम.एस. सीथरामन, अवृत्त सचिव

New Delhi, the 7th April, 1994

S.O. 944.—In pursuance of the powers conferred by sub-section (2) of Section 4 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), the Central Government hereby appoints Smt. Usha Vohra, IAS (Punjab : 60) (Retired), former Secretary, Department of Family Welfare, as a Member of the Board for Industrial and Financial Reconstruction for the period from the date of her taking charge and upto 31st March, 1996.

[F. No. 7/2/94-B.O.I]
M. S. SEETHARAMAN, Under Secy.

(प्रायकर विभाग)

कार्यालय मुख्य प्रायकर आयुक्त

कानपुर, 14 जनवरी, 1994

का. आ. 945.—प्रायकर अधिनियम, 1961 की धारा 120 की उपधारा (1) में प्रवत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में उपर्युक्त धारा के अधीन भारत सरकार, केन्द्रीय प्रत्यक्ष कर बोर्ड, नहीं दिल्ली के दिनांक 27-10-89 की अधिसूचना संख्या 8478 एफ. नं. 279/121/89—श्राई टी जे द्वारा मुझे प्रदत्त शक्तियों का प्रयोग करते हुए मैं, मुझे प्रायकर आयुक्त, कानपुर विभाग 19-12-89 के आदेश संख्या जी-6, का. स. : सी. सी.

श्राई. टी. /के एन पी/जूरिस/सी श्राईटी (ए)/89-90 में आंगिक संशोधन करते हुए यह निर्देश देता है कि निम्नलिखित अनुसूची के स्तम्भ से, 1 में विनिर्दिष्ट प्रायकर आयुक्त (प्रीफील) ऐसे व्यक्तियों के संबंध में अथवा व्यक्तियों के वर्गों के सम्बन्ध में अथवा ऐसी आय के संबंध में अथवा आय के वर्गों के सम्बन्ध में अथवा ऐसे मामलों के सम्बन्ध में अथवा मामलों के वर्गों के सम्बन्ध में अपने कार्य का निष्पादन करेंगे, जो निम्नलिखित अनुसूची के स्तम्भ संख्या 2 में विनिर्दिष्ट/वार्डी/संकिलों/ईजों में प्रायकर अथवा अधिकारी अथवा व्याज कर अथवा धनकर अथवा उपहार कर अथवा व्ययकर अथवा होटल रसीद कर हेतु निर्धारणीय है।

अनुसूची

मुख्यालय सहित प्रायकर अधिकारियों द्वारा आयुक्त (प्रीफील) का प्रभार पारित ग्रामेशों के विरुद्ध प्रीफीलों पर क्षेत्राधिकार

1	2
1. प्रायकर आयुक्त (प्रीफील-1), आगरा	प्रायकर उपायुक्त, स्पे. रेज. सहायक प्रायकर आयुक्त, स्पे. रै, आगरा प्रायकर उपायुक्त, रेज-1, आगरा सहायक प्रायकर आयुक्त, संकिल-1(1), आगरा सहायक प्रायकर आयुक्त, संकिल-1 (1), अन्धेरण, आगरा प्रायकर अधिकारी, वार्ड-1 (1), आगरा प्रायकर अधिकारी, वार्ड-1 (2), आगरा प्रायकर अधिकारी, वार्ड-1 (3), आगरा सहायक प्रायकर आयुक्त, संकिल-1, फिरोजाबाद प्रायकर अधिकारी, वार्ड-1, फिरोजाबाद सहायक प्रायकर आयुक्त, संकिल-1, फतेहगढ़ प्रायकर अधिकारी, वार्ड-1, फतेहगढ़ प्रायकर अधिकारी, वार्ड-1, इटावा प्रायकर अधिकारी, वार्ड-2, इटावा

1

2

आयकर अधिकारी, वार्ड-1,
एटा
आयकर अधिकारी, वार्ड-1,
मेनपुरी

2. आयकर आयुक्त
(परीक्षा-II आगरा),

आयकर उपायुक्त, रेजिक्ट-2,
आगरा
सहायक आयकर आयुक्त,
केन्द्रीय कूत्त, आगरा
सहायक आयकर आयुक्त, सर्किल
(2) (1), आगरा
सहायक आयकर आयुक्त,
सर्किल-2 (1), अन्वेषण,
आगरा
आयकर अधिकारी, वार्ड-2 (1)
आगरा
आयकर अधिकारी, वार्ड-2
(2), आगरा
आयकर अधिकारी, वार्ड-2
(3), आगरा
आयकर अधिकारी, वार्ड-2
(4), आगरा
सहायक आयकर आयुक्त,
सर्किल-1, मथुरा
आयकर अधिकारी, वार्ड-1,
मथुरा
आयकर अधिकारी, वार्ड-2,
मथुरा
सहायक आयकर आयुक्त,
सर्किल-1, कांसी
आयकर अधिकारी, वार्ड-1,
कांसी
आयकर उप-आयुक्त, अलीगढ़
रेज, अलीगढ़
सहायक आयकर आयुक्त,
सर्किल-1, अलीगढ़
सहायक आयकर आयुक्त,
सर्किल-1, अन्वेषण,
अलीगढ़
आयकर अधिकारी, वार्ड-1,
अलीगढ़
आयकर अधिकारी, वार्ड-2,
अलीगढ़
आयकर अधिकारी, वार्ड-1,
हाथरस

आयकर आयुक्त (परीक्षा), आगरा के क्षेत्राधिकार से सम्बन्धित समस्त पूर्व अधिगृहनाओं को निरस्त करते हुए यह आदेश दि. 24-01-1994 से प्रभावी होगा।

[फा. सं. सी सी आई टीके एन पी/एम एण्ड पी/20/93-94/
10995]

एन. सी. जैन, मुख्य आयकर आयुक्त

(INCOME TAX DEPARTMENT)

Office of the Chief Commissioner of Income Tax

Kanpur, the 14th January, 1994

S.O. 945.—In exercise of the powers conferred on me by sub-section (1) of Section 120 of the Income-tax Act, 1961, and by the Notification No. 8478 F. No. 279/121/89-ITJ dated 27-10-89 issued by the Central Board of Direct taxes, New Delhi, in this behalf under the said section, I, the Chief Commissioner of Income-tax, Kanpur, in partial modification of this order No. G-6, F. No. CCIT/KNP/Juris/CIT (A)/89/94 dated 19-12-89 hereby direct that Cs. I.T.(A) specified in column No. 1 of the schedule below shall perform the functions in respect of such persons or classes of persons, or of such incomes or classes of income or of such cases or classes of cases assessable in Wards/Circles/Ranges specified in Column No. 2 of the schedule below, to Income-tax or Sur-tax or interest-tax or wealth tax or Gift-tax or Expenditure tax or Hotel receipt tax.

SCHEDULE

Charge of the C.I.T. (Appeals) with Hqrs.	Jurisdiction over Appeals against orders passed by
1	2
1. Commissioner of Income-Tax (Appeals)-I, Agra.	Dy. Commissioner of Income- tax (Asstt.), Spl. Range, Agra. Asstt. Commissioner of Income- Tax, Spl. Range, Agra. Dy. Commissioner of Income-Tax Range-1, Agra. Asstt. Commissioner of Income- Tax Circle 1(I), Agra. Asstt. Commissioner of Income- Tax Circle 1(I) Investigation Agra. Income-tax Officer, Ward 1(1) Agra. Income-tax Officer, Ward 1(2), Agra. Income-tax Officer, Ward 1(3), Agra. Asstt. Commissioner of Income- Tax Circle-1, Firozabad. Income-tax Officer, Ward-1, Firozabad. Asstt. Commissioner of Income- tax Circle-1, Fategarh. Income-tax Officer, Ward-1, Fategarh. Income-tax Officer, Ward-1, Etawah.

1	2
	Income-tax Officer, Ward-2, Etawah.
	Income-tax Officer, Ward-1, Etah.
	Income-tax Officer, Ward-1, Mainpuri.
2. Commissioner of Income Tax (Appeals)-II, Agra.	Dy. Commissioner of Income-tax, Range-2, Agra. Asstt. Commissioner of Income-tax Central Circle, Agra. Asstt. Commissioner of Income-tax Circle 2(1), Agra. Asstt. Commissioner of Income-tax Circle 2(1), Investigation Agra. Income-tax Officer, Ward 2(1), Agra. Income-tax Officer, Ward 2(2), Agra.
	Income-tax Officer Ward 2(3), Agra. Income-tax Officer, Ward 2(4), Agra.
	Asstt. Commissioner of Income-tax Circle 1, Mathura. Income-tax Officer, Ward-1, Mathura.
	Income-tax Officer, Ward-2, Mathura.
	Asstt. Commissioner of Income-tax Circle-1, Jhansi.
	Income-tax Officer, Ward-1, Jhansi.
	Dy. Commissioner of Income-tax, Aligarh Range, Aligarh. Asstt. Commissioner of Income-tax Circle-1, Aligarh.
	Asstt. Commissioner of Income-tax Circle-1, Investigation, Aligarh.
	Income-tax Officer, Ward-1, Aligarh.
	Income-tax Officer, Ward-2, Aligarh.
	Income-tax Officer, Ward-1, Hatras.

This notification will come into force with effect from 24-1-1994 and will supersede all earlier notifications regarding the jurisdiction of Commissioners of Income-tax (Appeals), Agra.

[F. No. CCIT/KNP/S&P/20/93-94/10995]
N.C. JAIN, Chief Commissioner of Income Tax

वाणिज्य मंत्रालय

नई दिल्ली, 5 मार्च, 1994

का. ग्रा. 946.—श्रृंग सम्पत्ति अधिनियम, 1968 (1968 का 34) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत के राजपत्र के भाग 1, खंड 1

में दिनांक 24 अक्टूबर, 1992 को प्रकाशित अधिसूचना सं. 12/19/80—ई. शार्ई. एंड ई पी के अतिक्रम में, उन कार्यों को छाँड़कर, जो ऐसे अतिक्रम के पहले किए जा चुके हों या किए जाने के लिए छोड़े हुए हों, केन्द्रीय सरकार एतदेश्वारा उत्तर प्रदेश में संयुक्त सचिव (राजस्व-6) को उत्तर प्रदेश राजपत्र के प्रतिरोध शाने वाले क्षेत्रों के लिए पर्देश शक्ति सम्पत्ति उप-प्रभिरक्षक का कार्य करने के लिए नियुक्त करती है।

[सं. 12/19/80—ई शार्ई एंड ई पी]
कुमारी सुमा गुब्बण्णा, निवेशक

MINISTRY OF COMMERCE

New Delhi, the 5th April, 1994

S.O. 946.—In exercise of the powers conferred by section 3 of the Enemy Property Act, 1968 (34 of 1968) and in supersession of the notification No. 12/19/80-EI&EP published in the Gazette of India Part I Section I dated 24th October, 1992 except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints Joint Secretary (Revenue-6) of the Government of Uttar Pradesh to act as ex-officio Deputy Custodian of Enemy Property for the areas falling within territories of the State of Uttar Pradesh.

[No. 12/19/80-EI&EP]
KUM. SUMA SUBBANNA, Director

(विवेश व्यापार महानिदेशालय)

नई दिल्ली, 24 मार्च, 1994

का. ग्रा. 947.—मै. मैसूर टवायज कंपनी मैसूर को शूल रूपए 14,382, अमरीकी डालर के नियत आभार सहित 3,46,045, रुपये 10,813, अमरीकी डालर के लागत-बीमा-भाड़ा मूल्य के लिए एक अग्रिम लाइसेंस सं. पी/एन/1524308 दिनांक, 16-12-93 और ई ई सी बुक संख्या 091382 (आयात और नियत) दिनांक 16-12-93 मंजूर किया गया था जिसकी वैधता लाइसेंस जारी होने की तारीख से 12 महीने के लिए थी। अब फर्म ने केवल आयात के लिए अग्रिम लाइसेंस की अनुमिति (सीमाणुल्क प्रयोजन प्राप्ति तथा विनियम नियंत्रण प्रति दोनों) इस आधार पर मंजूर करने के लिए आवेदन किया है कि लाइसेंस और ई ई सी बुक दो गया है/गया हो गया है। फर्म ने आवश्यक हलफनामा प्रम्तुंत किया है जिसके अन्मार पूर्वोत्तम अग्रिम लाइसेंस सीमाणुल्क प्राधिकारी से पंजीकृत नहीं था तथा उसका विलक्षण भी द्वस्तेमाल नहीं किया गया था और लाइसेंस के मध्ये शेष लागत बीमा भाड़ा मूल्य 3,46,045 रुपये है। हलफनामे में इस आशय की घोषणा भी समाविष्ट की गई है कि यदि उक्त लाइसेंस बाद में मिलता है या पाया जाता है तो उसे निर्मम प्राधिकारी को लौटा दिया जाएगा।

2. इस तथ्य से संतुष्ट होने पर कि केवल आयातों के लिए मूल अग्रिम लाइसेंस (सीमाणुल्क प्रयोजन प्रति नियम नियंत्रण प्रति दोनों) और ई ई सी बुक दो गए हैं विवेश व्यापार (विकास और विनि-

यमन) प्रधिनियम, 1992 के खण्ड 9 के उपलब्धण्ड (4) में प्रवस्थ शक्तियों का प्रयोग करते हुए अधिकृतस्ताक्षरी द्वारा केवल आयातों के लिए भूल अग्रिम लाइसेंस (सीमाशुल्क प्रयोजन प्रति तथा विनियमय नियंत्रण प्रति) और डी ई ई सी बुक को एवं द्वारा निरस्त किया जाता है तथा यह निर्देश दिया जाता है कि आवेदक को केवल आयातों के लिए दूसरा अग्रिम लाइसेंस (सीमाशुल्क प्रयोजन प्रति तथा विनियमय नियंत्रण प्रति) और डी ई ई सी बुक जारी किया जाए।

[फाइल सं. 01/82/40/863/ए एम-94/डी ई एस/2274]

एम. एल. भूटानी, उप महानिदेशक, विदेश व्यापार
कृते महानिदेशक विदेश व्यापार

(Directorate General of Foreign Trade)

New Delhi, the 24th March, 1994

S.O. 947.—M/s. Mysore Toys Company, Mysore were granted an Advance Licence No. P/L/1524308 dt. 16-12-93 and DEEC BOOK No. 091382 (I & E) dt 16-12-93 for a cif

value of Rs. 3,46,045 US dollar 10,812 with an export obligation of Rs. nil US dollar 14,382 with a validity of 12 months from the date of issue of the licence. Now the firm have applied for grant of duplicate of Advance Licence (Customs purpose copy and Exchange Control copy both) for the import only on the ground that the licence and DEEC BOOK have been lost/misplaced. The firm have furnished necessary affidavit according to which the aforesaid Advance Licence was not registered with the Customs Authority and was not utilised at all and the balance CIF value against the licence is Rs. 3,45,045. A declaration has also been incorporated in the affidavit to the effect that if the said licence is traced or found later on, it will be returned to the Issuing Authority.

2. On being satisfied that the original Advance Licence (Customs purpose copy and Exchange Control copy both) for imports only and DEEC BOOK have been lost, the undersigned in exercise of the powers conferred in sub-clause (4) of Clause 9 of the Foreign Trade (Development and Regulation) Act, 1992, hereby cancel the original Advance Licence (Customs purpose copy and Exchange Control copy) and DEEC BOOK for imports only and directs that duplicate Advance Licence (Customs purpose copy and Exchange Control copy) for import only and DEEC BOOK should be issued to the applicant.

[F. No. 01/82/40/863/AM-94/DES-VI/2274]

M. I. BHUTANI, Dy. Director General of Foreign Trade
For Director General of Foreign Trade

नागरिक पूर्ति, उपभोक्ता भामले और सार्वजनिक
वितरण मंत्रालय
(भारतीय मानक व्यूरो)
नई दिल्ली, 21 मार्च, 1994

का.शा. 948:—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एवं द्वारा प्रधिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों, का/के विवरण नीचे अनुसूची में दिया गया है/दिए गए हैं, वह/वे स्थापित हो गया है/हो गए हैं।

अनुसूची

क्रम सं.	स्थापित भारतीय मानक/कों की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की सं. और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस : 287-1993 विभिन्न प्रयोजनों के लिए अनुकूल इमारती लकड़ी में अमूलत नमी अंश-सिफारिशों (तीसरा पुनरीक्षण)	आई एस : 287-1951	83-06-30
2.	आईएस : 834-1993 वस्त्रादि-हौजरी के लिए रिंग स्पल कोरा सूती धागा (चौथा पुनरीक्षण)	आईएस : 834-1967	93-05-31
3.	आईएस : 1885 (भाग 10)-1993 विद्युत तकनीकी शब्दावली भाग 510 पावर प्रणाली रक्षण (पहला पुनरीक्षण)	आईएस : 1885-1968	93-06-30
4.	आईएस : 1885 (भाग 38)-1993 विद्युत तकनीकी शब्दावली भाग 38 पावर ट्रांसफार्मर और रिएक्टर (दूसरा पुनरीक्षण)	आईएस : 1885-1977	93-05-31

(1)	(2)	(3)	(4)
5.	आईएस : 2023-1993 क्रोमियम भातु-विशिष्ट (दूसरा पुनरीक्षण)	आईएस : 2023-1973	93-06-30
6.	आईएस : 2327-1993 आन्तरिक केन्द्रण सहित बेलनाकार शाफ्टहेतु सीधे-पार्स वाली स्पलीन—आयामा छुटे और सत्यापन (पहला पुनरीक्षण)	आईएस : 3327-1963	93-05-31
7.	आईएस : 2368-1993 गतिशील मेज सहित बाहरी विसाई के लिए बेलनाकार भशीमहेतु परीक्षण घाट	आईएस : 2368-1963	93-02-28
8.	आईएस : 3883-1993 डिब्बाबंद ट्रोटर सान्द्र-ट्रोटर प्लूरी-विशिष्ट (पहला पुनरीक्षण)	आईएस : 3883-1966	93-06-30
9.	आईएस : 4545 (भाग II)-1993 टेलीविजन ब्राइकास्ट ट्रांसमिशनहेतु ग्राही पर मापन की विधियां भाग II प्रसारण सिग्नल मानकों से भिन्न ग्रव्ह-थाओं के अन्तर्भूत मापन	आईएस : ---	93-11-30
10.	आईएस : 5884-1993 वस्त्रावि कर्ष पर विज्ञाने की सामग्री-टप्टेड गलीचा-विशिष्ट	आईएस : 5884-1970	93-06-30
11.	आईएस : 7692-1993 हैलमेट परीक्षणहेतु हैडफार्न-विशिष्ट (पहला पुनरीक्षण)	आईएस : ---	93-05-30
12.	आईएस : 7909-1993 कट्टीखाने के उपस्कर-सूखरों के लिए विजली स्टर्निंग शिकंजा-विशिष्ट (पहला पुनरीक्षण)	आईएस : 7909-1975	93-06-30
13.	आईएस : 8788-1993 मीट्रिक बाहरी ट्रैपर आन्तरिक समान्तर पेच चूड़ियों हेतु आयाम (पहला पुनरीक्षण)	---	93-04-30
14.	आईएस : 8950-1993 अन्तःदेशीय जलपोत बन्दरगाह कर्ष-सामान्य अपेक्षाएं (पहला पुनरीक्षण)	---	93-05-31
15.	आईएस : 13556-1992 सूखना प्रक्रमणहेतु डाटाबेस भाषा एनआईएन	---	93-12-31
6.	आईएस : 12396-1992 सूखना प्रक्रमणहेतु डाटाबेस भाषा एसम्यूएल	---	93-12-31
17.	आईएस : 10274-1993 फूफिहेतु पहिए धार ट्रैक्टर अधिकतम तय दूरी निर्धारण विधि (पहला पुनरीक्षण)	आईएस : 10274-1982	93-06-30
18.	आईएस : 12233 (भाग 3)-1993 शिरोपरि पावर लाइनों और उच्च बोल्टता उपस्कर के चुम्बकीय व्यतिकरण, अभिलक्षण भाग 3 रेडियो शोर की उत्पत्ति न्यूनतम करनेहेतु रीति संहिता	---	93-02-28
19.	आईएस : 12970 (भाग 5/खंड 6)/1992 अर्द्धचालक युक्तियां-एकीकृत परिपथ, भाग 5 एनलोग एकीकृत परिपथ-आवश्यक रेटिंग और अभिलक्षण, खंड 6 एमलोग सिग्नल स्विचिंग परिपथ	---	93-06-30
20.	आईएस : 13140 (भाग 3)-1993 आपूर्ति तंत्र में घरेलू साधिकारों और ऐसे ही विजली के उपस्करों द्वारा उत्पन्न बाधा भाग 3 बोल्टता का उतार-चढ़ाव।	---	93-03-31
21.	आईएस : 13536-1993 प्रलेखन-पुस्तकालयों और अभिलेखागारों की डाइरेक्ट्रियां सूखना एवं प्रसेखन केन्द्र और उनके डाटाबेस	---	93-03-31
22.	आईएस : 13614 (भाग 2)-1993 द्रव्यालित तरलशक्ति-द्रुतकार्य कप्लिंग भाग 2 परीक्षण विधियां	---	93-05-31
23.	आईएस : 13630 (भाग 13)-1993 सिरेमिक टाइल-परीक्षण विधियां भाग 13 एमओएस के अनुसार सतह के खरोंच कठोरता का निर्धारण	---	93-05-31
24.	आईएस : 13638 (भाग 2)-1993 तकनीकी ड्राइंग-गतिमान उपयोग हेतु सील भाग 2 विस्तृत सरलीकृत प्रदर्शन	---	93-03-31

(1)	(2)	(3)	(4)
25.	आईएस : 13639 : 1993 पावर धालित लान की धास काटने का यंत्र, लॉन और बगीचा ट्रैक्टर, व्यावसायिक धास काटने का यंत्र और धास काटने के यंत्र सहित यार्ड बगीचा ट्रैक्टर—परिभाषा, सुरक्षण अपेक्षाएं और परीक्षण प्रक्रिया	—	93-05-11
26.	आईएस : 13658 : 1993 वसीय अम्लों के खाद्य ग्रेड पॉलीमिलस्रोल एस्टर—विशिष्टि	—	93-03-31
27.	आईएस : 13671 : 1993 माइक्रोवेव ओवन की एक गीगाहर्टज से अधिक आवृत्ति के विकिरण के मापन	—	93-03-31
28.	आईएस : 13673 (भाग 1) : 1993 विद्युत रासायनिक विश्लेषक की कार्यकारिता को व्यक्त करना भाग 1 सामान्य	—	93-05-31
29.	आईएस : 13673 (भाग 2) : 1993 विद्युत रासायनिक विश्लेषक की कार्यकारिता को व्यक्त करना भाग 2 पीएच	—	93-05-31
30.	आईएस : 13678 : 1993 इसबगोल—विशिष्टि—	—	93-04-30
31.	आईएस : 13703 (भाग 1) : 1993 1000 एसी या 1500 वो डीसी से अनधिक बोल्टता हेतु ग्रत्य बोल्टता फ्यूज की विशिष्टि भाग 1 अनुप्रुक्त अपेक्षाएं	—	93-05-31
32.	आईएस : 13703 (भाग 2/खंड 1) : 1993 1000 एसी या 1500 वो डीसी से अनधिक बोल्टता हेतु ग्रत्य बोल्टता फ्यूज की विशिष्टि भाग 2 प्राधिकृत व्यक्ति द्वारा प्रयोग हेतु फ्यूज खंड 1 मानकीकृत फ्यूजों के उदाहरण	—	93-05-31
33.	आईएस : 13703 (भाग 2/खंड 2) : 1993 1000 एसी या 1500 वो डी सी से अनधिक बोल्टता हेतु ग्रत्य बोल्टता फ्यूज की विशिष्टि भाग 2 प्राधिकृत व्यक्ति द्वारा प्रयोग हेतु फ्यूज खंड 2 मानकीकृत फ्यूजों के उदाहरण	—	93-05-31
34.	आईएस : 13705 : 1993 11 किमी से 33 किमी तक कार्यकारी बोल्टता हेतु केबल के लिए संकरण जोड़—कार्यकारिता अपेक्षाएं और टाइप परीक्षण	—	93-05-31
35.	आईएस : 13710 : 1993 दंत्य सामग्री-दंत्यजिंक पॉलीकार्बोनेक्सिलेट सीमेंट—विशिष्टि	—	93-05-31
36.	आईएस : 13714 : 1993 डेनेज पैलेट—वेयरहाउसिंग—विशिष्टि	—	93-07-31
37.	आईएस : 13717 : 1993 वस्त्रादि—वर्दी के लिए कमीज का पॉलीएस्टर मिश्रित खादी (पॉलीबस्ट्र) कपड़ा—विशिष्टि	—	93-05-31
38.	आईएस : 13719 : 1993 वस्त्रादि—रिंग स्पन रूई से पुराजित सैल्पु-लोजीय रेशामिश्रित कोरा धागा—विशिष्टि	—	93-05-31
39.	आईएस : 13727 : 1993 आवासन हेतु गुच्छ आयोजन की अपेक्षाएं—मार्गवर्णिका	—	93-07-31
40.	आईएस : 13735 : 1993 खाली कराने हेतु आपातकालीन श्रव्य सिगनल—विशिष्टि	—	93-05-31
41.	आईएस : 13736 (भाग-2/खंड 3) : 1993 पर्यावरणीय ग्रदस्थाओं का वर्णकरण भाग 2 प्रकृति में उत्पन्न होने वाली पर्यावरणीय ग्रदस्थाएं खंड 3 वायु दाता	—	93-05-31

(1)	(2)	(3)	(4)
42.	आईएस : 13736 (भाग 2/खंड 3) : 1993 पर्यावरणीय अवस्थाओं का वर्गीकरण भाग 2 प्रकृति में उत्पन्न होने वाली पर्यावरणीय अवस्थाएं खंड 2 वर्षा और वायु	—	93-05-31
43.	आईएस : 13764 : 1993 इलेक्ट्रॉनिक्स हेतु प्लास और निपर—एकल प्रयोजी प्लास गोल नोज प्लाम—विशिष्टि	—	93-06-30
44.	आईएस : 13765 : 1993 इलेक्ट्रॉनिक्स हेतु प्लास और निपर—एकरप्रयोजी प्लास—प्लैट नोज—विशिष्टि	—	93-05-31
45.	आईएस : 13766 : 1993 इलेक्ट्रॉनिक्स हेतु प्लास और निपर—एकरप्रयोजी प्लास—स्लिप नोज प्लास—विशिष्टि	—	93-05-31
46.	आईएस : 13777 : 1993 शेविंग पद्धति—द्वितीय ब्लैड रेजर हैडल—विशिष्टि	—	93-06-30
47.	आईएस : 13779 : 1993 एसी स्थैतिक वाट घंटा मीटर, श्रेणी 1 और 2—विशिष्टि	—	93-05-31
48.	आईएस : 13785 : 1993 कृपि कीटनाशक—डोडीन डब्लूपी—विशिष्टि	—	93-06-30
49.	आईएस : 13787 : 1993 कृपि कीटनाशक बीनोमाइल डब्लूपी—विशिष्टि	—	93-06-30
50.	आईएस : 13789 : 1993 कृपि कीट नाशक दानेदार किटजिन—विशिष्टि	—	93-06-30
51.	आईएस : 13791 : 1993 प्रोग्रामिंग भाषाएं—पीएल/1	—	93-06-30
52.	आईएस : 13792 : 1993 प्रोग्रामिंग भाषाएं—एडीए	—	93-06-30
53.	आईएस : 13803 : 1993 सिन्टरित धातु सामग्री और कठोर धातुएं—यंग प्रत्यस्थता का निर्धारण	—	93-06-30
54.	आईएस : 13824 : 1993 आन्तरिक दहन इंजन—चार स्ट्रोक स्पार्क प्रज्ञवलन इंजन सालित वाहनों को सत्यापन विधियां	—	93-07-31
55.	आईएस : 13836 : 1993 आलू छीलने की मशीन (विद्युत प्रचालित) विशिष्टि	—	93-07-31
56.	आईएस : 13947 (भाग 5/खंड 1) : 1993 अल्प बोल्टता स्विचगीयर और कंट्रोल गीयर की विशिष्टि भाग 5 नियंत्रण परिपथ युक्तियां और स्विचिंग एलीमेंट खंड 1 विद्युत यांत्रिक नियंत्रण युक्तियां	—	93-06-30
57.	आईएस : 13947 (भाग 3) : 1993 अल्प बोल्टता स्विचगीयर और कंट्रोल गीयर की विशिष्टि भाग 3 स्विच डिस्कनेक्टर, स्विच डिस्कनेक्टर और संयोजन इकाइयां	—	93-05-30
58.	आईएस : 13947 (भाग 2) : 1993 अल्प बोल्टता स्विचगीयर और कंट्रोल गीयर की विशिष्टि भाग 2 परिपथ वियोजक	—	93-05-30
59.	आईएस : 13947 (भाग 1) : 1993 अल्प बोल्टता स्विचगीयर और कंट्रोलगीयर की विशिष्टि भाग 1 सामान्य नियम	—	93-05-30
60.	आईएस : 14012 (भाग 1) : 1993 मापन उपस्कर हेतु गुणता आखाताप्रणेशां भाग 1 मापन उपस्करोंहेतु माप विश्लेषण पुष्टि प्रणाली	—	93-04-30

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चण्डीगढ़ तथा मद्रास और गांधी कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और त्रिवेन्द्र म, गाजिगाबाद तथा फरीदाबाद में दिकी हेतु उपलब्ध हैं।

[सं. के प्रृष्ठ 13 : 2]
एन. श्रीनिवासन, अपर महानिदेशक

MINISTRY OF CIVIL SUPPLIES CONSUMER AFFAIRS & PUBLIC DISTRIBUTION
(BUREAU OF INDIAN STANDARD)

New Delhi, the 21st March, 1994

S.O. 948.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards rules 1987, The Bureau of Indian Standards hereby notifies that the Indian Standard(s), Particulars of which are given in the Schedule hereto annexed, have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. Year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
1	2	3	4
1.	IS 287 : 1993 Permissible moisture content for timber used for different purposes—recommendations (Third Revision)	IS 287 : 1951	93-06-30
2.	IS : 834 : 1993 Textiles—ring spun grey cotton yarn for hosiery— specification (Fourth Revision)	IS 834 : 1967	93-05-31
3.	IS 1885 (Part 10) : 1993 Electrotechnical vocabulary Part 10 power system protection (First Revision)	IS 1885 : 1968	93-06-30
4.	IS 1885 (Part 38) : 1993 Electro-technical vocabulary Part 38 power transformers and reactors (Second Revision)	IS 1885 : 1977	93-05-31
5.	IS 2023 : 1993 Chromium matal specification (Second Revision)	IS 2023 : 1973	93-06-30
6.	IS 2327 : 1993 Straight-sided splines for cylindrical shats with internal centering—dimensions, tolerances and verification (First Revision)	IS 2327 : 1963	93-05-31
7.	IS 2368 : 1993 Test charts for external cylindrical grinding machines with a movable table (Second Revision)	IS 2368 : 1963	93-02-28
8.	IS 3883 : 1993 Canned tomato concentrate—tomato purée— specification (First Revision)	IS 3883 : 1966	93-06-30
9.	IS 4545 (Part 11) : 1993 Methods of measurement on receivers for television broadcast transmissions Part 11 measurement under conditions different from broadcast signal standards	—	93-11-30
10.	IS 5884 : 1993 Textile floor covering—tufted carpets— specification (Second Revision)	IS 5884 : 1970	93-06-30
11.	IS 7692 : 1993 Headsforms for testing of helmets:specification (First Revision)	—	93-05-31
12.	IS 7909 : 1993 Slaughter house equipment—electrical stunning tongs for pigs—specification (First Revision)	IS 7909 : 1975	93-06-30

1	2	3	4
13.	IS 8788 : 1993 Dimensions for metric external taper and internal parallel screw threads (First Revision)	—	93-04-30
14.	IS 8950 : 1993 Inland vessels—harbour tugs—general requirements (First Revision)	—	93-05-31
15.	IS 13556 : 1992 Database language NIL for information processing systems.	—	93-12-31
16.	IS 13396 : 1992 Database language SCL for information processing systems	—	93-12-31
17.	IS 10274 : 1993 Agricultural wheeled tractors maximum travel speed—Method of determination (First Revision)	IS 10274 : 1982	93-06-30
18.	IS 12233 (Part 3) : 1993 Electromagnetic interference characteristics of overhead power lines and high voltage equipment Part 3 code of practice for minimizing the generation of radio noise	—	93-02-28
19.	IS 12970 (Part 5/Sec 6) : 1993 Semiconductor devices—integrated circuits Part 5 analogue integrated circuits—essential ratings and characteristics Section 6 analogue signal switching circuits	—	93-06-30
20.	IS 13140 (Part 3) : 1993 Disturbances in supply systems caused by household appliances and similar electrical equipment Part 3 voltage fluctuations	—	93-03-31
21.	IS 13536 : 1993 Documentation—Directories of libraries, archives, information and documentation centres, and their data bases	—	93-03-31
22.	IS 13614 (Part 2) : 1993 Hydraulic fluid power—quick-action couplings Part 2 test methods	—	93-05-31
23.	IS 13630 (Part 13) : 1993 Ceramic tiles—methods of test Part 13 determination of scratch hardness of surface according to MOHS	—	93-05-31
24.	IS 13638 (Part 2) : 1993 Technical drawings—seals for dynamic application Part 2 detailed simplified representation	—	93-03-31
25.	IS 13639 : 1993 Power lawn-mowers, lawn tractors, lawn and garden tractors, professional mowers, and garden tractors with mowing attachments—definitions, safety requirements and test procedures	—	93-05-31
26.	IS 13658 : 1993 Polyglycerol esters of fatty acids, food grade—specification	—	93-05-31
27.	IS 13671 : 1993 Guidance on the use of the substitution method for measurements of radiation from microwave ovens for frequencies above 1 GHz	—	93-03-31
28.	IS 13673 (Part 1) : 1993 Expression of performance of electro-chemical-analyzers Part 1 General	—	93-05-31

1	2	3	4
29.	IS 13673 (Part 2) : 1993 Expression of performance of electro-chemical analyzers Part 2 pH Value	—	93-05-31
30.	IS 13678 : 1993 Isabgol—specification	—	93-04-30
31.	IS 13703 (Part 1) : 1993 Specification for low voltage fuses for voltages not exceeding 1000 V AC or 1500 V DC Part 1 General requirements.	—	93-05-31
32.	IS 13703 (Part 2/Sec 1) : 1993 Specification for low voltage fuses for voltages not exceeding 1000 V AC or 1500 V DC Part 2 fuses for use by authorized persons Section 1 supplementary requirements	—	93-05-31
33.	IS 13703 (Part 2/Sec 2) : 1993 Low voltage fuses for voltage not exceeding 1000 V AC or 1500 V DC—specification Part 2 fuses for use by authorized persons Section 2 examples of standardized fuses	—	93-05-31
34.	IS 13705 : 1993 Transition joints of cables for working voltages from 11 kV up to and including 33 kV—performance requirements and type tests	—	93-05-31
35.	IS 13710 : 1993 Dental materials—dental zinc polycarboxylate cements—specification	—	93-05-31
36.	IS 13714 : 1993 Dunnage pallets—warehousing—specification	—	93-07-31
37.	IS 13717 : 1993 Textiles—polyester cotton blended khadi (Polyvastra) suitings for uniform—specification	—	93-05-31
38.	IS 13719 : 1993 Textiles—ring spun cotton regenerated cellulosic fibre blended grey yarn—specification	—	93-05-31
39.	IS 13727 : 1993 Requirements of cluster planning for housing—guide	—	93-07-31
40.	IS 13735 : 1993 Audible emergency evacuation signal—specification	—	93-05-31
41.	IS 13736 (Part 2/Sec 3) : 1993 Classification of environmental conditions Part 2 environmental conditions appearing in nature Section 3 air pressure	—	93-05-31
42.	IS 13736 (Part 2/Sec 2) : 1993 Classification of environmental conditions Part 2 environmental conditions appearing in nature Section 2 Precipitation and wind	—	93-05-31
43.	IS 13764 : 1993 Pliers and nippers for electronics—single purpose pliers—round nose pliers—specification	—	93-06-30
44.	IS 13765 : 1993 Pliers and nippers for electronics—single purpose pliers—flat nose pliers—specification	—	93-05-31
45.	IS 13766 : 1993 Pliers and nippers for electronics—single purpose pliers—snipe nose pliers—specification	—	93-05-31
46.	IS 13777 : 1993 Shaving systems—twin blade razor handles—specification	—	93-06-30
47.	IS 13779 : 1993 ac Static watt-hour meters, class 1 and 2—specification	—	93-05-31
48.	IS 13785 : 1993 Pesticide—dodine WP—specification	—	93-06-30

1	2	3	4
49.	IS 13787 : 1993 Pesticide—benomyl WP—specification	—	93-06-30
50.	IS 13789 : 1993 Pesticide—Kitazin granules—specification	—	93-06-30
51.	IS 13791 : 1993 Programming languages—PL/I	—	93-06-30
52.	IS 13792 : 1993 Programming languages—Ada	—	93-06-30
53.	IS 13803 : 1993 Sintered metal materials and hardmetals—determination of young modulus	—	93-06-30
54.	IS 13824 : 1993 Internal combustion engines—method of verification of emission of crankcase gases for vehicles powdered with four stroke spark ignition engines.	—	93-07-31
55.	IS 13836 : 1993 Potato peeling machine (Electrically operated)—specification	—	93-07-31
56.	IS 13947 (Part 5/Sec 1) : 1993 Specification for low-voltage switchgear and controlgear Part 5 control circuit devices and switching elements Section 1 electromechanical control circuit devices	—	93-06-30
57.	IS 13947 (Part 3) : 1993 Specification for low-voltage switchgear and controlgear Part 3 switches, disconnectors, switch disconnectors and fuse combination units	—	93-05-30
58.	IS 13947 (Part 2) : 1993 Specification for low-voltage switchgear and controlgear Part 2 circuit breakers	—	93-05-30
59.	IS 13947 (Part 1) : 1993 Specification for low-voltage switchgear and controlgear Part 1 general rules	—	93-05-30
60.	IS 14012 (Part 1) : 1993 Quality assurance requirements for measuring equipment Part 1 metrological confirmation system for measuring equipment	—	93-04-30

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras, Bombay and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13 : 2]
N. SRINIVASAN, Addl. Director General

नई दिल्ली, 21 मार्च, 1994

का.आ. 949.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) की खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों, का/के विवरण नीचे अनुसूची में दिया गया है/हिए गए हैं, वहां/वे स्थापित हो गया है/हो गए हैं।

अनुसूची

कम स्थापित भारतीय मानक/मानकों की संज्ञा वर्ष और शीलिक में
नए भारतीय मानक द्वारा अतिक्रमित भारतीय स्थापित तिथि
मानक अथवा मानकों, यदि कोई हो, की सं...
और वर्ष

(1)	(2)	(3)	(4)
1. आई एस : 1253-1992 इस्पात और इस्पात उत्पादन में प्रयोग हेतु एल्यूमीनियम-विशिष्टि (तीसरा पुनरीक्षण)	आई एस : 1253-1980	92-12-31	
2. आई एस : 1448 (भाग 32)-1992 पेट्रोलियम और उसके उत्पाद-परीक्षण विधि (भाग 32) घनत्व और शापेलित घनत्व (दूसरा पुनरीक्षण)	आई एस : 1448 (भाग 32)-1972	92-11-30	

(1)	(2)	(3)	(4)
3. आई एस : 1448 (भाग 79)-1992 पेट्रोलियम और उसके उत्पाद-परीक्षण विधि (भाग 79) पेट्रोलियम उत्पादों में सूखे उत्पादों का निर्धारण-वेनेशियम (पहला पुनरीक्षण)	आई एस : 1448 (भाग 79)-1973	92-11-30	
4. आई एस : 1597 (भाग 1)-1992 पत्थर चिनाई की संरचना-रीनिसंहिता भाग 1 लवल पत्थर चिनाई (पहला पुनरीक्षण)	आई एस : 1597 (भाग 1)-1967	92-08-31	
5. आई एस : 2743-1992 शैरिंज धिसाई पहिया तुर्क और विलोभनीय टेबल सहित सतह धिसाई मणीन का परीक्षण जारी (दूसरा पुनरीक्षण)	आई एस : 2743-1972	92-10-31	
6. आई एस : 2938 : 1992 कच्चा रेणम-प्रेणीकरण को विधि (पहला पुनरीक्षण)	आई एस : 2938-1964	92-10-31	
7. आई एस : 3156 (भाग 2)-1992 वोल्टता ट्रांसफार्मर विशिष्टि भाग 2 मापन वोल्टता ट्रांसफार्मर (दूसरा पुनरीक्षण)	आई एस : 3156 (भाग 2)-1978	92-11-30	
8. आई एस : 3577-1992 पिटवां एल्यूमीनियम और उसकी मिश्रवातुए-रिब्रेट, कावत्रे और पेंचस्टॉक-आयाम और छूटे (पहला पुनरीक्षण)	आई एस : 3577-1967	92-12-31	
9. आई एस : 4811-1992 मिनामोन छेव-विशिष्टि (पहला पुनरीक्षण)	आई एस : 4811-1968	92-12-31	
10. आई एस : 4849-1992 मौसम विज्ञान-वर्गमापी, नान रिकार्डिंग-विशिष्टि (पहला पुनरीक्षण)	आई एस : 4849-1968	93-12-31	
11. आई एस : 5225-1992 मौसम विज्ञान	आई एस : 2225-1969	92-12-31	
12. आई एस : 5249-1992 मृदा केगव्यात्मक गुणप्रम-परीक्षण विधिया	आई एस : 5249-1977	92-11-30	
13. आई एस : 5354-1992 वस्त्रादि-विद्युत प्रयोजनों हेतु सूती छूट सकने वाले टेप -विशिष्टि (पहला पुनरीक्षण)	आई एस : 5354-1969	92-12-31	
14. आई एस : 6235-1992 चुम्बकीय आक्साइड और सहयोजित भागों के बने पॉटश्रोड का आयाम (पहला पुनरीक्षण)	आई एस : 6235-1971	92-11-30	
15. आई एस : 6271-1992 द्रव मिल्वर पालिश-विशिष्टि (पहला पुनरीक्षण)	आई एस : 6271-1971	92-12-31	
16. आई एस : 6569-1992 मालवाही आधान-परिभाषिक शब्दावली (दूसरा पुनरीक्षण)	आई एस : 6569 (भाग 1 से 4)-1985	92-09-30	
17. आई एस : 6928-1992 मालवाही-कोडीकरण, पहचान करना और चिन्हांकन (दूसरा पुनरीक्षण)	आई एस : 6928 (भाग 1 से 2)-1986	92-09-30	
18. आई एस : 7152-1992 पुस्तक कक्ष का दरवाजा-विशिष्टि (पहला पुनरीक्षण)	आई एस : 7152-1974	92-12-31	
19. आई एस : 7359-1992 1-क्लोरोएन्थ्रिव नान तकनीकी ग्रेड-विशिष्टि (पहला पुनरीक्षण)	आई एस : 7359-1974	94-09-30	
20. आई एस : 7388-1992 शल्य चिकित्सा यंत्र चिमटी उत्पक, एलिस पैटर्न, आकार और साइज और आयाम (पहला पुनरीक्षण)	आई एस : 7388-1974	92-11-30	

(1)	(2)	(3)	(4)
21. आई एस : 7527 : 1992 लाउडस्पीकर चुम्बकों के आयाम (पहला पुनरीक्षण)	आई एस : 7527-1974	92-12-31	
22. आई एस : 7566-1992 शल्य चिकित्सा यंत्र-चिमटी यंत्र-चिमटी स्प्रिंग-क्लिप संपीडन, माइकल पैटर्न-आकार और आयाम	आई एस : 7566-1975	92-12-31	
23. आई एस : 7899-1992 दाढ़ सेवाओं के लिए उपयुक्त मिश्र इस्पात की डलाइयां (दूसरा पुनरीक्षण)	आई एस : 7899-1984	92-11-30	
24. आई एस : 8171-1992 पॉलिश और संबद्ध सामग्री से संबद्ध पारिभाषिक शब्दावली (दूसरा पुनरीक्षण)	आई एस : 8171-1984	92-10-31	
25. आई एस : 8584-1992 शल्य चिकित्सा यंत्र-पैरिटोनियम के लिए चिमटी बैककॉक पैटर्न-आकार और आयाम (पहला पुनरीक्षण)	आई एस : 8584-1977	92-12-31	
26. आई एस : 9793 (भाग 1/खंड 1 से 3)-1992 30 महट्टेज से 1 मैंगाहट्टेज आकृति रेज में ध्वनि और टेलीविजन प्रसारण के ग्राहणता के लिए एंटीना भाग 1 मापन की विधियां खंड 1—विद्युत और यांत्रिक अभिलक्षण खंड 2—विद्युत कार्यकारिता पैरामीटर की परीक्षण विधियां खंड 3—यांत्रिक गुणधर्म और पर्यावरणीय परीक्षण की परीक्षण विधियां (पहला पुनरीक्षण)	आई एस : 9793 (भाग 1)-1980	92-11-30	
27. आई एस : 10069-1992 द्रव्यचालित तरल पावर-धनात्मक विस्थापन पम्प मोटरइंटीगरल ड्रांसमिशन स्टेंडोस्टेट कार्यकारिता का निर्धारण	आई एस :	92-10-31	
28. आई एस : 10400-1992 इंवेन्ट्री कंट्रोल में पारिभाषिक शब्दावली (पहला पुनरीक्षण)	आई एस : 10400-1983	92-12-31	
29. आई एस : 10702-1992 रबड़ की हवाई चप्पल—विशिष्ट (दूसरा पुनरीक्षण)	आई एस : 10702-1985	92-10-31	
30. आई एस : 12032 (भाग 13)-1992 विद्युत तकनालॉजी के क्षेत्र में ग्राफीय प्रतीक भाग 13 एनालॉग तत्व	—	92-09-30	
31. आई एस : 12970 (भाग 2/खंड 1)-1992 ग्रांड चालक युक्तियां—एकीकृत परिपथ भाग 2-डिजिटल एकीकृत परिपथ—आवश्यक रेटिंग और अभिलक्षण खंड 1 सामान्य	—	92-11-30	
32. आई एस : 12970 (भाग 2/खंड 2)-1992 ग्रांड चालक युक्तियां—एकीकृत परिपथ भाग 2 डिजिटल एकीकृत परिपथ—आवश्यक रेटिंग और अभिलक्षण खंड 2 एकीकृत परिपथ स्पृति	—	92-11-30	
33. आई एस : 13281-1992 मनुष्य को प्रभावित करने वाली यांत्रिक कंपन और झटके—शब्दावली	—		

(1)	(2)	(3)	(4)
34.	आई एस : 13288 (भाग 2)-1992 थेणी I मालवाही आई एस : 6927 (भाग 1 और 2)-1973 आधार-विशिष्ट और परिक्षण भाग 5 प्लेटफार्म (आधार)		92-09-30
35.	आई एस : 13288 (भाग 6)-1992 थेणी I मालवाही आई एस : 8575 (भाग 1 और 2)-1977 आधार-विशिष्ट और परिक्षण भाग 6 प्लेटफार्म आधारित ग्रुप पार्श्व वाले मम्पूर्ण सुपर संरचनाओं सहित		92-10-31
36.	आई एस : 13290 : 1992 जलपोत निर्माण-पीत बोर्ड कम्पन आंकड़ा का सापन और रिपोर्टिंग	—	92-11-30
37.	आई एस : 13341-1992 650 वो तक बोल्टता की रेटिंग वाले स्वतः हीनिंग टाइप एमी पावर के शंट संचारिकों पर काल प्रमाणन स्वतः तापन परीक्षण और विनाशी परीक्षण की अपेक्षाएँ	—	92-11-30
38.	आई एस : 13496-1992 सीबर लाइन और बंद तेज जल निकास पर लगाए गए भीवर साफ करने के लिए मेनहोल और द्वितीय संरचनाओं हेतु सामान्य अपेक्षाएँ	—	92-11-30
39.	आई एस : 13514-1992 सङ्क पर चलने वाले बिजली के वाहनों हेतु सीसा अम्ल बैटरी-विशिष्टि	—	92-11-30
40.	आई एस : 13524-1992 विस्फोटकों और आतिशबाजी के मिश्रण हेतु पोटेंशियम परक्सनोरेट-विशिष्टि	—	92-11-30
41.	आई एस : 13528-1992 टर्निंग पूर्व के लिए सिनेटेन विशिष्टि	—	92-12-31
42.	आई एस : 13530-1992 मोटरवाहन रिट्रेंडिंग सामग्री— सांचा द्वारा पकाना-सामान्य अपेक्षाएँ	—	92-12-31
43.	आई एस : 13532-1992 मोटरवाहन रिट्रेंडिंग हेतु कुशनिंग कंपाउन्ड-सांचा द्वारा पकाना-विशिष्टि	—	92-12-31
44.	आई एस : 13539-1992 पावर टिलर-घयनियत कार्य- कारिता अभिलक्षण—सिफारिशें	—	92-11-30
45.	आई एस : 13544-1992 ट्रलर-बाल बेयरिंग टर्न ट्रेबल का माउंटिंग	—	92-12-31
46.	आई एस : 13579-1992 परिवहन ट्रेलर-परीक्षण विधि	—	92-12-31
47.	आई एस : 13593-1992 कृषि पम्प के चूपण एवं डिलीवरी लाइनों के लिए यू पी बी सी पाइप के साथ प्रयुक्त यू पी बी सी पाइप-विशिष्टि	—	92-12-31

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 अहादुरशाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चंडीगढ़ तथा मद्रास और शाहद्वा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और त्रिवेन्द्रम, गाजियाबाद तथा फरीदाबाद में विकी हेतु उपलब्ध हैं।

New Delhi, the 21st March, 1994

S.O. 949. In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, The Bureau of Indian Standards hereby notifies that the Indian Standard(s), Particulars of which are given in the Schedule hereto annexed, have been established on the date indicated against each:

SCHEDULE

Sl. No.	Year and Title of the Indian Standard(s) No. Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 1253—1980 Aluminium for use in iron and steel manufacture—Specification (Third Revision)	IS 1253—1980	1992-12-31
2.	IS 1448: (P:32)—1992 Petroleum and its products— Methods of test (P : 32) Density and relative density (Second Revision)	IS 1448 (P:32)—1972	1992-11-30
3.	IS 1448(P : 79)—1992 Methods of test for petroleum and its products (P : 79). Determination of trace element in petroleum products—Vanadium (First Revision)	IS 1448 (P : 79)—1973	1992-11-30
4.	IS 1597 (Part 1)—1992 Construction of stone masonry—Code of practice Part 1 Rubble stone masonry (First Revision)	IS 1597 (Part 1)—1967	1992-08-31
5.	IS 2743—1992 Test chart for surface grinding machine with horizontal grinding wheel Spindle and reciprocating table (Second Revision)	IS 2743—1972	1992-10-31
6.	IS 2938—1992 Raw Silk—Method of grading (First Revision)	IS 2938—1964	1992-10-31
7.	IS 3156 (Part 2)—1992 Voltage transformers— Specification Part 2 Measuring voltage transformers (Second Revision)	IS 3156 (Part 2)—1978	1992-11-30
8.	IS 3577—1992 Wrought aluminium and its alloys— rivet, bolt and screw stock—Dimensions and tolerances. (First Revision)	IS 3577—1967	1992-12-31
9.	IS 4811—1992 Cinnamon whole—Specification (First Revision)	IS 4811—1968	1992-12-31
10.	IS 4849—1992 Meteorology—Rain measures— Specification (First Revision)	IS 4849—1968	1992-12-31
11.	IS 5225—1992 Meteorology—Rain gauge, non-recording—Specification (First Revision)	IS 5225—1969	1992-12-31
12.	IS 5249—1992 Determination of dynamic properties of soil—Method of test (Second Revision)	IS 5249—1977	1992-11-30

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13.	IS 5354—1992 Textiles—Cotton stripping tape for electrical purposes—Specification (First Revision)	IS 5354—1969	1992-12-31
14.	IS 6235—1992 Dimensions of pot-cores made of magnetic oxides and associated parts (First Revision)	IS 6235—1971	1929-11-30
15.	IS 6271—1972 Silver polish, liquid—Specification (First Revision)	IS 6271—1971	1992-12-31
16.	IS 6569—1992 Freight containers—Terminology (Second Revision)	IS 6569 (Parts 1 to 4)—1985	1992-09-30
17.	IS 6928—1992 Freight containers—Coding, identification and marking (Second Revision)	IS 6928 (Parts 1 and 2)—1985	1992-09-30
18.	IS 7152—1992 Book room doors—Specification (First Revision)	IS 7152—1974	1992-12-31
19.	IS 7359—1992 1-Chloroanthraquinone, technical—Specification (First Revision)	IS 7359—1974	1992-09-30
20.	IS 7388—1992 Surgical instruments—Forceps, tissue, allis' pattern—Shape, sizes and dimensions (First Revision)	IS 7388—1974	1992-11-30
21.	IS 7527—1992 Dimensions of loudspeaker magnets (First Revision)	IS 7527—1994	1992-12-31
22.	IS 7566—1992 Surgical instruments—Forceps spring-clip compressing, michel's pattern—Shape and dimensions (First Revision)	IS 7566—1975	1992-12-31
23.	IS 7899—1992 Alloy steel castings suitable for pressure service—Specification (Second Revision)	IS 7899—1984	1992-11-30
24.	IS 8171—1992 Glossary of terms relating to polishes and related materials (Second Revision)	IS 8171—1984	1992-01-31
25.	IS 8584—1992 Surgical instruments—peritoneum forceps, babcock's pattern—shape, sizes and dimensions (First Revision)	IS 8584—1977	1992-12-31
26.	IS 9793 (Part 1 Sec 1 to 3)—1992 Antennas for the reception of sound and television broadcasting in the frequency range 30 MHz to 1 GHz—Specification Part 1 Methods of measurement Section 1 Electrical and Mechanical Characteristics Section 2 Methods of test of electrical performance parameters Section 3 Methods of tests for Mechanical properties and environmental tests (First Revision)	IS 9793 (Part 1)—1980	1992-11-30
27.	IS 10069—1992 Hydraulic fluid power—positive displacement pumps, motors and integral transmissions—Determination of steady-state performance	—	1992-10-31
28.	IS 10400—1992 Glossary of terms in inventory control (First Revision)	IS 10400—1983	1992-12-31

1	2	3	4
29.	IS 10702—1992 Rubber Hawai Chappal—Specification (Second Revision)	IS 10702—1985	1992-10-31
30.	IS 12032 (Part 13)—1992 Graphical symbols for diagrams in the field of electrotechnology Part 13 Analogue elements	—	1992-09-30
31.	IS 12970 (Part 2/Sec 1) : 1992 Semiconductor devices—Integrated circuits Part 2 Digital integrated circuits—Essential rating and characteristics Section 1 General	—	1992-11-30
32.	IS 12970 (Part 2/Sec 2) : 1992 Semiconductor devices—Integrated circuits Part 2 Digital integrated circuits—Essential ratings and characteristics Section 2 Integrated circuit memories	—	1992-11-30
33.	IS 13281 : 1992 Mechanical vibration and shock affecting man—Vocabulary	—	1992-09-30
34.	IS 13288 (Part 5) : 1992 Series 1 freight containers—Specification and testing Part 5 Platform (Containers)	IS 6727 (Part 1 and 2) : 1973	1992-09-30
35.	IS 13288 (Part 6) : Series 1 freight containers—Specification and testing Part 6 Platform based containers, open sided, with complete superstructure	IS 8575 (Parts 1 and 2) : 1977	1992-10-31
36.	IS 13290 : 1992 Shipbuilding—measurement and reporting of shipboard vibration data—Code of practice	—	1992-11-30
37.	IS 13341 : 1992 Requirements and methods for ageing test, self-heating test and destruction test on shunt capacitors of the self-healing types for AC power systems having a rated voltage up to and including 650 V.	—	1992-11-30
38.	IS 13496 : 1992 General requirements of suction machine for cleaning sewers, manholes and ancillary structures provided on sewer line and closed storm water drains.	—	1992-11-30
39.	IS 13514 : 1992 Lead acid batteries for electric road vehicles—Specification	—	1992-11-30
40.	IS 13524 : 1992 Potassium perchlorate for explosives and pyrotechnic compositions—Specification	—	1992-11-30
41.	IS 13528 : 1992 Pretanning syntans—Specification	—	1992-12-30
42.	IS 13530 : 1992 Automotive tyres—Retreading materials—Mould cure—General Requirements	—	1992-12-31
43.	IS 13532 : 1992 Automotive tyres—cushion compound for retreading—Mould cure—Specification	—	1992-12-31
44.	IS 13539 : 1992 Power tillers—selected performance characteristics—Recommendations	—	1992-11-30
45.	IS 13544 : 1992 Trailers—mounting of ball bearing turn table—Dimensions	—	1992-12-31
46.	IS 13579 : 1992 Transport trailers—Methods of test	—	1992-12-31
47.	IS 13593 : 1992 UPVC pipe fittings for use with UPVC pipes in the suction and delivery lines of agricultural pumps—Specification	—	1992-12-31

Copies of the Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices Bombay, Calcutta, Chandigarh, and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

नई दिल्ली, 5 अप्रैल, 1994

का.आ. 950.—केन्द्रीय सरकार, राजभाषा (मंच के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुमति में, नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय के अधीन हिन्दुस्तान वेनिटेवन आयलस कार्पोरेशन, नई दिल्ली के हिन्दुस्तान ब्रेकफास्ट फूड फैस्ट्री एक्सप्रेस, शिल्ली को, जिसके 80 प्रतिशत ने याविक कर्मचारियों ने हिन्दी का कार्यसाधक शान प्राप्त कर लिया है, एनडब्ल्यूआरा अधिसूचित करती है।

[मंद्या ई-11012/2/94-हिन्दी]

अ.प्र. श्रीवास्तव, निदेशक

New Delhi, the 5th April, 1994

S.O. 950.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the union) Rules, 1976, the Central Government hereby notifies the Hindustan Breakfast food Factory unit, Delhi of Hindu-

stan Vegetable Oils Corporation, New Delhi under the Ministry of Civil Supplies, Consumer Affairs and Public Distribution, where more than 89% of the staff have acquired working knowledge of Hindi.

[No. E-11012/2/94-Hindi]

A. P. SRIVASTAVA, Director

कोयला मंत्रालय

आदेश

नई दिल्ली, 22 मार्च, 1994

का.आ. 951.—कोयला धारक धोत्र (ग्रन्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 2562 तारीख 13 सितम्बर, 1991 के, भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 12 अक्टूबर, 1991 में प्रकाशित होने पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि में या उस पर (जिसे इसके पश्चात उक्त भूमि कहा गया है) के सभी अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलगमां से मुक्त होकर, आत्यातिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि सेंट्रल कोलकाल्डम लि., रांची (जिसे इसमें इसके पश्चात उक्त कंपनी कहा गया है), जो एक सरकारी कंपनी है ऐसे निवन्धनों और शर्तों का, जो केन्द्रीय सरकार इस निमित अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निदेश देती है कि वह भूमि और उसमें इस प्रकार निहित अधिकार, तारीख 12 अक्टूबर, 1991 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की वजाय, निम्नलिखित निवन्धनों और शर्तों के अधीन रहते हुए, उक्त कंपनी में निहित हो जाएंगे, अर्थात्:—

- (1) उक्त कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकार, व्याज, नुकसानी वैसी ही मदों की बावत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी।
- (2) उक्त कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेश रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील, आदि की बावत उपगत सभी व्यय भी, उक्त कंपनी वहन करेगी।
- (3) उक्त कंपनी, केन्द्रीय सरकार या उसके पवधारियों को, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारियों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी।
- (4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) उक्त कंपनी, ऐसे निवन्धनों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा.सं. 43015/16/87-एल.एस. उच्च्यु]

बी.बी.राव, अवर सचिव

MJNISTRY OF COAL
ORDER

New Delhi, the 22nd March, 1994

S.O. 951.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 2562 dated the 13th September, 1991 in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 12th October, 1991, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the lands and all rights in or over such lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Central Coalfields Limited Ranchi (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the lands and rights so vested shall, with effect from the 12th October, 1991, instead of continuing to so vest in the Central Government, shall vest in the said Government Company, subject to the following terms and conditions, namely :—

1. the said Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;

2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc., for or in connection with the rights in or over the said lands, so vesting shall also be borne by the said Company.
3. The said Company shall indemnify the Central Government and its officials against any other expenditure that may be necessary in connection with any proceedings, by or against the Central Government or its officials regarding the rights in or over the said lands so vested;
4. the said Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and
5. the said Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/16/87/LSW]

B. B. RAO, Under Secy.

आदेश

नई दिल्ली, 24 मार्च, 1994

का.आ. 952.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (i) के अधीन निकाली गई भारत सरकार के कोयला मन्त्रालय की अधिसूचना संस्थांक का.आ. 2415 तारीख 19 अगस्त, 1992 के भारत के राजान्त्र भाग 2, खंड 3, उपखंड (ii) तारीख 19 सितम्बर, 1992 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि में या उस पर (जिसे इसके पश्चात् उक्त भूमि कहा गया है) के सभी अधिकार उक्त अधिनियम की धारा 10 की उपधारा (i) के अधीन, सभी विलंबगमों से मुक्त होकर, आत्यातिक रूप से केन्द्रीय सरकार में निहित हो गये थे;

अंतर्काल के दौरान इसके पश्चात् उक्त कंपनी को उक्त भूमि के लिए रजाभंद है, जो कि एक सरकारी कंपनी है ऐसे निवेदनों और शर्तों का, जो केन्द्रीय सरकार इस निमित अधिकारित करना उचित समझे, अनुपालन करने के लिए रजाभंद है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा ii की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करने हैं, यह निदेश देती है कि इस प्रकार निहित उसी भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 19 सितम्बर, 1992 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निवेदनों और शर्तों के अधीन रहने हूप, उक्त कानून में निहित हो जाएंगे, अर्थात् :—

(1) उक्त कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकार, व्याज, नुकसानी वैभी ही मदों की वाक्त किये गये सभी संदायों की केन्द्रीय सरकार को प्रतिपूणि करेंगी।

(2) उक्त कंपनी द्वाग शर्त (1) के अधीन, केन्द्रीय सरकार को संदेश रकमों का अवधारण, करते के प्रयोजन के लिए एक प्रधिकरण का गठन किया जायगा तथा ऐसे किसी प्रधिकरण को सहायता के लिए नियन्त्रित व्यक्तियों के संबंध में उपगत सभी व्यव्य, उक्त कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपोल, शारि की वावन उपगत सभी व्यव्य भी, उक्त कंपनी वहन करेगी।

(3) उक्त कंपनी, केन्द्रीय सरकार, या उसके पदधारियों की, ऐसे किसी प्रत्यन्य व्यव्य के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में केन्द्रीय सरकार या उसके पदधारियों द्वाग या उनके विरुद्ध किन्ही कार्यवाहियों के संबंध में आवश्यक हों, प्रतिपूर्ति करेगी।

(4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के लिए, उक्त भूमि किसी प्रत्यन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) उक्त कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हों, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिकारियों को जाएं, पालन करेगी।

[फा.सं. 43015/9/90-एन.एस.डब्ल्यू.]
वी.बी.राव, अवर सचिव

ORDER

New Delhi, the 24th March, 1994

S.O. 952.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 2415, dated the 19th August, 1992 in the Gazette of India, part II, Section 3, Sub-section (ii), dated the 19th September, 1992, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and rights in or over the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act.

And whereas the Central Government is satisfied that the South Eastern Coalfields Limited, Bilaspur (Madhya Pradesh) (hereinafter referred to as the said Company), a Government company, is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands so vested shall, with effect from 19th September, 1992, instead of continuing to so vest in the Central Government, vest in the said Company, subject to the following terms and conditions namely:—

(1) the said company shall reimburse the Central Government all payments made in respect of compen-

sation, interest, damages and the like, as determined under the provisions of the said Act

(2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under condition (1), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Company and similarly, all expenditure incurred in respect of legal proceedings like appeals, etc, for or in connection with the rights in or over the said lands, so vesting shall also be borne by the said Company,

(3) the said company shall indemnify the Central Government or its Official against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its official regarding the rights in or over the said lands so vesting;

(4) the said company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and

(5) the said company shall abide such directions and conditions as may be given imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/9/90-LSW]
B. B. ROY, Under Secy.

नई दिल्ली, 24 मार्च, 1994

का.प्रा. 953.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायद्वय अनुमूली में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (i) द्वाग प्रदत्त व्यक्तियों का प्रयोग करते हुए, इस क्षेत्र में कोयले का पूर्वोक्त करने के अपने आण्य की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र नंबर सं. सी-1(ई)/iii/जे आर/5-14-1193 तारीख 24 नवम्बर, 1993 का नरीक्षण वेस्टर्न कोनफोर्ड इंडिया लिमिटेड (राजस्व विभाग), कोयला एस्टेट, सिक्किम लॉर्ड्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलकत्ता, ब्रिटिश राज्य (महाराष्ट्र) के कार्यालय में या कोयला विवरक, एक, आडमिन हाउस एंटी, कलकत्ता के कार्यालय में किया जा सकता है।

इस प्रधिसूचना के अधीन आने वाली भूमि में हिन्दूद सभी शास्त्र उक्त प्रधिनियम की धारा 13 की उआग (7) में निर्दिष्ट सभी नस्तों, चार्टों और अन्य दस्तावेजों की, इस प्रधिसूचना के गजपत्र में प्रकाशन की तारीख गे तब्दी दिन के भीतर, मान्यमाध्यक प्राधिकारी/विभागाध्यक्ष (राजस्व) वेस्टर्न कॉन्टाक्टिंग लिमिटेड, कोयला एस्टेट, सिविल लाइन, नागपुर-440001 (महाराष्ट्र) को भेजें।

अनुसूची

नागपुर परियोजना

वाणी क्षेत्र

जिला—यवतमाल (महाराष्ट्र)

क्रम सं	ग्राम का नाम	पटवारी मॉर्किल सं.	तहमील	जिला	क्षेत्र डैक्टर मे	टिप्पणियां
1.	मुगोली	108	वणी	यवतमाल	321.97	भाग
2.	माथोली	108	वणी	यवतमाल	145.76	भाग
3.	जगाड	108	वणी	यवतमाल	182.00	पूर्ण
4.	गाधरा	108	वणी	यवतमाल	50.27	भाग

कुल 700.00 डैक्टर (नगभग)
या
1729.77 एकड़ (नगभग)

सोमा वर्णन

क—ख रेखा विन्दु “क” से आरंभ होती है और मुगोली, मथोली और जुगाड ग्रामों की उत्तरी सीमा के साथ साथ वर्धा नदी के केन्द्र से होकर गुजरती है और विन्दु “ब” पर मिलती है।

ख—ग रेखा ग्राम जुगाड की पूर्वी सीमा के साथ साथ पैनांगा नदी के केन्द्र से होकर गुजरती है और विन्दु “ग” पर मिलती है।

ग—ध रेखा जुगाड और सावरा ग्रामों की सम्मिलित ग्राम सोमा के माथ साथ जाती है, तब ग्राम सावरा से होकर आगे बढ़ती है और विन्दु “ध” पर मिलती है।

ध—ड रेखा मथोली ग्राम से होकर गुजरती है, तब मथोली और मुगोली ग्रामों की सम्मिलित ग्राम सीमा के माथ साथ आगे बढ़ती है और विन्दु “ड” पर मिलती है।

ड—न रेखा ग्राम मुगोली से होकर गुजरती है, तब मुगोली और सावरा ग्रामों की सम्मिलित ग्राम सीमा के माथ साथ आगे बढ़ती है तब ग्राम सावरा से होकर गुजरती है और तब सावरा और कोलगांव, मुगोली और कोलगांव की सम्मिलित ग्राम सीमाओं के माथ साथ जाती है और विन्दु “न” पर मिलती है।

न—क रेखा मुगोली और मिवानो मुगोली और चिंचोली ग्रामों की सम्मिलित ग्राम सीमाओं के माथ साथ जाती है और आरंभिक विन्दु “क” पर मिलती है।

[फा. सं. 43015/19/93-एल एम डब्ल्यू]

वी. बी. राव, अवर सचिव

New Delhi, the 24th March, 1994

S.O.—953 Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)/III/JJR/544-1193 dated the 24th November, 1993 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra), or in the office of the Collector, Yavatmal (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer incharge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of the publication of this notification.

SCHEDULE
NIRGUDA PROJECT
WANI AREA
DISTRICT YAVATMAL (MAHARASHTRA)

S. No.	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Mungoli	108	Wani	Yavatmal	321.97	Part
2.	Matholi	108	Wani	Yavatmal	145.76	Part
3.	Jugad	108	Wani	Yavatmal	182.00	Full
4.	Sakhara	108	Wani	Yavatmal	50.27	Part
Total:					700.00 hectares (approximately) or 1720.77 acres (approximately)	

Boundary description:

A—B Line start from point 'A' and passes through the centre of Wardha river, along the northern boundary of villages Mungoli, Matholi and Jugad and meets at point 'B'.

B—C Line passes through the centre of Painganga river, along the eastern boundary of village Jugad and meets at point 'C'.

C—D Line passes along the common village boundary of villages Jugad and Sakhara, then proceeds through village Sakhara and meets at point 'D'.

D—E Line passes through village Matholi, then proceeds along the common village boundary of villages Matholi and Mungoli and meets at point 'E'.

E—F Line passes through village Mungoli, then proceeds along the common village boundary of villages Mungoli and Sakhara, then passes through village Sakhara and then passes along the common village boundaries of villages Sakhara and Kolgaon, Mungoli and Kolgaon and meets at point 'F'.

F—A Line passes along the common village boundaries of villages Mungoli and Siwani, Mungoli and Chincholi and meets at starting point 'A'.

[No. 43015/19/93-LSW]
 B. B. RAO, Under Secy.

नई दिल्ली, 21 मार्च, 1994

का. आ. 954. —केन्द्रीय सरकार का यह प्रतीत होता है कि इसमें उपावन्द अनसनी में उल्लिखित भूमि में कोयला अधिग्राह किये जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक धेव (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है की धारा 4 की उपावन (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की मुच्चना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र का नंबर सं. एम ई.सो./वी.एस. पा./जा. एम./पा.एन. जी./103/स/५ तारीख 26 फरवरी, 1992 का निरीक्षण साउथ ईस्टर्न कोलकाता डिप्पिंड (राजस्थ विभाग) सामा रोड, विकासपुर-4950 01

495001 के कार्यालय में या कलकटर रायगढ़ (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नवशो, चार्टों और अन्य दस्तावेजों का, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर, भार साधक अधिकारी/विभागाध्यक्ष (राजस्व) साउथ ईस्टर्न कोलफील्ड्स लिमिटेड सीपत रोड, बिलासपुर को भेजेंगे।

अनुसूची

कुसमकेला ल्लाक (भाग)

मंड—रायगढ़ कोलफील्ड्स

जिला रायगढ़ (मध्य प्रदेश)

रेखांक सं. एस.ई.सी.एल./वी.एस.पी./जी.एम./पी.ए.ल.जी.)/भूमि/103 तारीख 26-2-92

क्रम सं.	ग्राम	दल्का सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	पोरदा	27	घरगोडा	रायगढ़	800.521	पूर्ण
2.	बिजारी	26	घरगोडा	रायगढ़	326.593	पूर्ण
3.	कुरमी भोना	27	घरगोडा	रायगढ़	341.520	पूर्ण
4.	पोरडी	16	घरगोडा	रायगढ़	183.351	पूर्ण
5.	सरायपाली	16	घरगोडा	रायगढ़	218.098	पूर्ण
6.	फगुराम	16	घरगोडा	रायगढ़	1277.079	पूर्ण
7.	पद्मपालि	26	घरगोडा	रायगढ़	339.303	पूर्ण
8.	रमकेर	26	घरगोडा	रायगढ़	580.057	पूर्ण
9.	धोराम	26	घरगोडा	रायगढ़	507.070	पूर्ण
10.	कटरापालि	27	घरगोडा	रायगढ़	452.90	पूर्ण
11.	कटाक्षरिया	27	घरगोडा	रायगढ़	160.474	पूर्ण
12.	बारोद	16	घरगोडा	रायगढ़	835.053	भाग

कुल—6022.029 हैक्टर (लगभग) या

14860.53 एकड़ (लगभग)

सीमा वर्णन

क—क 1—ख रेखा ग्राम बारोद में “क” बिन्दु से आरंभ होती है और भागत: ग्राम बारोद की उत्तरी सीमा के सीमा के साथ-साथ चलती है उसके बाद ग्राम बारोद और ग्राम पारदी, कुरमी, मोबाना, कटाक्षरिया की उत्तरी सीमा से होकर गुजरती है और “ख” बिन्दु पर मिलती है।

ख—ग रेखा कटाक्षरिया, कटरापालि, धोराम ग्रामों की पूर्वी सीमा के साथ-साथ और उसके बाद ग्राम धुरोम की दक्षिणी सीमा के साथ-साथ चलती है और “ग” बिन्दु पर मिलती है।

ग—घ रेखा ग्राम धोराम की पश्चिमी सीमा के साथ-साथ और उसके बाद भंगेर, पद्मपालि, फागुराम ग्रामों की दक्षिणी सीमा के साथ-साथ चलती है और “घ” बिन्दु पर मिलती है।

घ—क रेखा फागु नाम, सरायपाली, बारोद ग्रामों की पश्चिमी सीमा के साथ-साथ गुजरती है और आरंभिक बिन्दु “क” पर मिलती है।

[फा.सं. 43015/5/92-एल. एस. डब्ल्यू.]

बी.बी. राव, अवर सचिव

New Delhi, the 21st March, 1994

S.O. 954.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act, the Central Government hereby gives notice of its intention to prospect for coal therein.

The Plan number SECL/BSP/GM/PLG/land/103 dated the 26th February, 1992 of the area covered by this notification can be inspected in the office of the South Eastern Coalfields Limited (Revenue Section, Seepat Road, Bilaspur-495001 or in the office of the Collector, Raigarh (Madhya Pradesh, or in the office of the Coal Controller 1 Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in charge/Head of the Department (Revenue) South Eastern Coalfields Limited, Seepat Road, Bilaspur within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
KURUMKELA BLOCK (PART-I)
MAND-RAIGARH COALFIELD
DISTRICT—RAIGARH (MADHYA PRADESH)
[Plan number, SECL/BSP/GM(PLG.)/Land/103 dated 26-02-1992]

S. No.	Village	Halka Number	Tahsil	District	Area in hectares	Remarks
1.	Porda	27	Ghargoda	Raigarh	800.521	Full
2.	Bijari	26	Ghargoda	Raigarh	326.593	Full
3.	Kurmibhowna	27	Ghargoda	Raigarh	341.520	Full
4.	Pordi	16	Ghargoda	Raigarh	183.351	Full
5.	Saraipali	16	Ghargoda	Raigarh	218.098	Full
6.	Phaguram	16	Ghargoda	Raigarh	1277.079	Full
7.	Patrapali	26	Ghargoda	Raigarh	339.303	Full
8.	Rumker	26	Ghargoda	Raigarh	580.057	Full
9.	Dhorom	26	Ghargoda	Raigarh	507.070	Full
10.	Katrapali	27	Ghargoda	Raigarh	452.910	Full
11.	Katajharia	27	Ghargoda	Raigarh	160.474	Full
12.	Baroud	16	Ghargoda	Raigarh	835.053	Part
Total:—					6022.029 hectares (approximately)	
					or	
					14,880.43 acres (approximately)	

Boundary description:—

A—A1—B Line starts from point 'A' in village Baroud and passes partly along the northern boundary of village Baroud, then through village Baroud and northern boundaries of villages Pardi, Kurmibhowna, Katajharia and meets at point 'B'.

B—C Line passes along the eastern boundaries of villages Katajharia, Katrapali, Dhorom and then southern boundary of village Dhorom and meets at point 'C'.

C—D Line passes along the western boundary of village Dhorom, then southern boundary of villages Rumker, Patrapali, Phaguram and meets at point 'D'.

D—A Line passes along the western boundaries of villages Phaguram, Saraipali, Baroud and meets on the starting point at 'A'.

नई दिल्ली, 24 मार्च, 1994

का.ग्रा. 955.—केन्द्रीय सरकार का यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है।

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आण्य की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र रेखांक सं. एस ई सी एल/बी एस पी/जी एम/पी एल जी/लैंड/127, तारीख 15 अक्टूबर, 1993 का निरीक्षण कलक्टर, बिलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियन्त्रक, 1, नाउमिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या दक्षिणी पूर्वी कोलफील्ड्स लिमिटेड (राजस्व विभाग) सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

इग अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधार (7) में निर्दिष्ट सभी नक्शों, खाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व) दक्षिण पूर्वी कोलफील्ड्स, सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) को भेजेंगे।

अनुसूची

अमरपुर खंड

कोरबा कोयला क्षेत्र

जिला बिलासपुर (मध्य प्रदेश)

(रेखांक सं. एस ई सी एल/बी एस पी/जी एम/पी एल जी/लैंड/127 तारीख 15 अक्टूबर, 1993)

(पूर्वेक्षण के लिये अधिसूचित भूमि दर्शित करते हुए)

क्रम सं.	ग्राम	पटवारी हल्का संस्थांक	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	अमरपुर (असर्वेक्षित)	41	कटघोरा	बिलासपुर	144.548	पूरा
2.	मोहनपुर	41	कटघोरा	बिलासपुर	395.697	पूरा
3.	सुतारा (असर्वेक्षित)	15	कटघोरा	बिलासपुर	246.099	पूरा
4.	लखनपुर	15	कटघोरा	बिलासपुर	700.796	पूरा
5.	विजयपुर	41	कटघोरा	बिलासपुर	421.390	पूरा
6.	धृतापुर (असर्वेक्षित)	41	कटघोरा	बिलासपुर	75.687	पूरा
7.	राल	41	कटघोरा	बिलासपुर	286.613	पूरा
8.	डांकरीखार	41	कटघोरा	बिलासपुर	121.351	पूरा
						जोड़ 2392.181 हैक्टर (लगभग) या 5911.07 एकड़ (लगभग)

सीमा वर्णन

क—ख रेखा सुतारा कोरबा बरपाली ग्रामों के विसंगम विन्दु पर “क” से आरम्भ होती है और सुतारा लखनपुर ग्रामों की उनी सीमाओं के साथ-साथ चलती है और विन्दु “ख” पर मिलती है।

ख—ग रेखा लखनपुर, विजयपुर ग्रामों की पूर्वी सीमाओं के साथ-साथ चलती है और विन्दु “ग” पर मिलती है।

ग-घ-क रेखा डोकरीखार और रात ग्रामों की दक्षिणी सीमाओं के साथ-साथ चलती है, फिर रात ग्राम की पश्चिमी सीमा को जाती है और बिन्दु “इ” पर मिलती है।

उ-च-क रेखा ग्राम घुचापुर की दक्षिणी सीमा के साथ-साथ फिर घुचापुर, मोहनपुर, सुतारा ग्रामों की पश्चिमी सीमाओं के साथ साथ चलती है और आरंभिक बिन्दु “क” पर मिलती है।

[सं. 43015/18/93-एल-एस-एस्ट्री]

बी.बी. राव, अवर मन्त्री

New Delhi, the 24th March, 1994

S.O. 955.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Coal Bearing Area (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. SECL/BSP/GM/PLG/LAND/127 dated the 15th October, 1993, of the area covered by this notification can be inspected at the Office of the Collector, Bilaspur (Madhya Pradesh) or at the Office of the Coal Controller 1 Council House Street, Calcutta-700001 or at the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in Charge/Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495001 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

**SCHEDULE
AMARPUR BLOCK
KORBACOALFIELDS
DISTRICT-BILASPUR (Madhya Pradesh)**

Plan No. SECL/BSP/GM/PLG/LAND/127
dated 15th October, 1993
(Showing land notified for prospecting)

S. No.	Village	Patwari Halka number	Tahsil	District	Area in hectare	Remarks
1. Amarpur (Unsurveyed)	41	Katghora	Bilaspur	144.548	Full	
2. Mohanpur	41	Katghora	Bilaspur	395.697	Full	
3. Sutarra (Unsurveyed)	15	Katghora	Bilaspur	246.099	Full	
4. Lakhapur	15	Katghora	Bilaspur	700.796	Full	
5. Bijaypur	41	Katghora	Bilaspur	421.390	Full	
6. Ghuchapur (Unsurveyed)	41	Katghora	Bilaspur	75.687	Full	
7. Ral	41	Katghora	Bilaspur	286.613	Full	
8. Dokarikhar	41	Katghora	Bilaspur	121.351	Full	
						2392.181 hectares (approximately) or 5911.07 acres (approximately)

Boundary description:

A—B Line starts from point 'A' on the trijunction point of villages Sutarra, Korbi, Barpali and passes along the northern boundaries of villages Sutarra, Lakhanpur and meets at point 'B'.

B—C Line passes along the eastern boundaries of villages Lakhanpur, Bijaypur and meets at point 'C'.

C—D—E Line passes along the southern boundaries of villages Doharikhari and Ral, then western boundary of village Ral and meets at point 'E'.

E—F—A Line passes along the southern boundary of village Ghuchapur, then along the western boundaries of villages Ghuchapur, Mohanpur, Sutarra and meets at the starting point 'A'.

[No. 43015/18/93—LSW]

B. B. RAO, Under Secy.

नई दिल्ली, 23 मार्च, 1994

का.आ. 956—केन्द्रीय सरकार को यह पतीत होता है कि इससे उपायकरण अनुसूची में उल्लिखित भूमि में कोयला अभियान किये जाने की संभावना है।

अतः, अब केन्द्रीय सरकार, कोयला धारक क्षेत्र अर्जन और विकास अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वांकन करने के अपने आवश्यकीय संवेदन की संभावना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के नेबांक सं. राजस्व/7/93 तारीख 20 अप्रैल, 1993 का निरीक्षण मेंट्रल कोलफील्ड (राजस्व विभाग) दरभंगा हाउस, रांची के कार्यालय में या उपायकरण बोकारो (विहार) के कार्यालय में या उपायकरण, हजारीबाग (विहार) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उस अधिनियम की धारा 13की उपधारा(7) में निर्दिष्ट सभी नक्शों, चाटी और अन्य दस्तावेजों को, इस अधिसूचना के राजस्व में प्रकाशन की तारीख से नज्दे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व) सेंट्रल कोलफील्ड लिमिटेड दरभंगा हाउस, रांची को भेजेगा।

अनुसूची

चूड़ीदाँड़ तिलैया ब्लॉक
पश्चिमी बोकारो कोलफील्ड्स

नेबांक सं. राजस्व/7/93
तारीख 20-4-93

न्रम सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र हैक्टर में	क्षेत्र हैक्टर में	टिप्पणियां
1.	डकासरम	गोमिया	34	बोकारो	47.00	— 19.02	भाग
2.	तिलैया	गोमिया	35	बोकारो	618.00	— 250.09	भाग
3.	जागेतर	गोमिया	36	बोकारो	110.00	— 44.51	भाग
4.	लोइश्यो	मांडू	162	हजारीबाग	200.00	— 80.94	भाग

कुल 975.00 एकड़ (लगभग) या 394.56 हैक्टर (लगभग)
सीमा वर्णन

क—ख नेबा "क" बिन्दु से शार्म द्वारा होती है और लोइश्यो ग्राम से होकर गजरती है तथा ख" बिन्दु पर मिलती है।

ख—ग—घ—इ रेखा लोहग्रो जाग्रेतर, तिलैया और डकासराम ग्रामों से होकर गुजरती है और "इ" बिन्दु पर मिलती है।

इ—च—छ रेखा डकासराम और तिलैया ग्रामों से होकर गुजरती है तथा "छ" बिन्दु पर मिलती है।

छ—क रेखा तिलैया और लोहग्रो ग्रामों ने होकर बोकारो नदी के दाहिने किनारे से होकर गुजरती है तथा आरंभिक बिन्दु "क" पर मिलती है।

[का. सं. 43015/14/93—एल. एस. डब्ल्यू]

बी. बी. राव, अवर सचिव

New Delhi, the 23rd March, 1994

S.O. 956—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing number Rev/7/93 dated the 20th April, 1993 of the area covered by this notification can be inspected in the office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi or in the office of the Deputy Commissioner, Bokaro (Bihar) or in the office of the Deputy Commissioner, Hazaribagh (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue Central Coalfields Limited, Darbhanga House, Ranchi within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
CHURITANR TILAIYA BLOCK
WESY BOKAFO COALFIELD

Drawing number Rev/7/93 dated 20-4-93

S. No.	Village	Thana	Thana number	District	Area in acres	Area in hectares	Remarks
1.	Dakasaram	Gomia	34	Bokaro	47.00	19.02	Part
2.	Tilaiya	Gomia	35	Bokaro	618.00	250.09	Part
3.	Jagesar	Gomia	36	Bokaro	110.00	44.51	Part
4.	Loiyo	Mandu	162	Hazaribagh	200.00	80.94	Part

Total: 975.00 acres
 (approximately)
 or
 394.56 hectares
 (approximately)

Boundary description:

A—B Line starts from point 'A' and passes through village Loiyo and meets at point 'B'.

B—C—D—E Line passes through villages Loiyo, Jagesar Tilaiya and Dakasaram and meets at point 'E'.

E—F—G Line passes through villages Dakasaram and Tilaiya and meet at point 'G'.

G—A Line passes along the right bank of river Bokaro in villages Tilaiya and Loiyo and meets at starting point 'A'.

[No. 43015/14/93—LSW]
 B. B. RAO, Under Secy.

आदेश

नई दिल्ली, 22 मार्च, 1994

का० आ० 957.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 की 20) को जिसे इसके पश्चात् उक्त अधिनियम कहा गया है (धारा 9 की उपधारा (1) के अन्तर्गत निकाली गई भारत सरकार कोयला मंत्रालय की अधिसूचना सं०, का० आ० 197 (अ), तारीख 9 मार्च, 1992 के भारत के राजपत्र असाधारण, भाग 2, खंड 3, उपर्युक्त (ii) तारीख 9 मार्च, 1992 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में (जिसे इसके पश्चात् उक्त भूमि कहा गया है) खनियों के खनन, बोर करने, निष्कासन के लिए उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, का उन पर कार्य करने और उन्हें ले जाने के अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलगमों से मुक्त होकर आत्मधिक रूप से केन्द्रीय सरकार में निहित हो गए थे।

और, केन्द्रीय सरकार का यह समाधान हो गया है कि थेस्टने कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधकों और शतों का, जो केन्द्रीय सरकार इस निमित अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजार्मद है।

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में इस प्रकार निहित अधिकार, तारीख 9 मार्च, 1992 से केन्द्रीय सरकार में इस प्रकार निहित होने रुक्ने की बजाय, निम्नलिखित निबंधनों और शतों के अधीन रुक्ने हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे अर्थात्—

1. सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, व्याज, तुकसानी और वैसी ही मदों की बावत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
2. सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को देय रकमों का अवधारण करने के प्रयोजन लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील, आदि की बावत उपगत सभी व्यय भी, उक्त सरकारी कंपनी वहन करेगी;
3. सरकारी कंपनी, केन्द्रीय सरकार या उस पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, अतिपूर्ति करेगी;
4. सरकारी कंपनी को, केन्द्रीय सरकार के पूर्वे अनुमोदन के बिना, उक्त भूमि के अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
5. सरकारी कंपनी, ऐसे निवेशों और शतों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा० सं० 43015/10/90—एल०एस०डब्ल्यू]

बी० बी० शब्द, अबर सचिव

ORDER

New Delhi, the 22nd March, 1994

S.O. 957.—Whereas no the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 197(E), dated the 9th March, 1992 in the Gazette of India Extraordinary, Part II, Section 3, Sub-Section (ii), dated the 9th March, 1992, issued under sub-section (1) of section 9 of the Coal Bearing Areas Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands described in the schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to

as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the aforesaid rights in the said lands so vested, shall, with effect from the 9th March, 1992, instead the Government Company subject to the following terms and conditions, namely :—

1. the Government Company shall reimburse the Central Government all payments made in respect of the compensation, interest, damages and the like as determined under the provisions of the said Act,
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central

Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the rights in the said lands, so vesting, shall also be borne by the Government Company.

3. the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings, by or against the Central Govern-

ment or its officials, regarding the rights in the said lands so vesting;

4. the Government company shall have no power to transfer the rights in the said lands, so vested to any other person without the previous approval of the Central Government; and

5. the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/10/90-LSW]

B. B. RAY Under Secy.

नई दिल्ली, 23 मार्च, 1994

का० आ० १५८—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाधद अनुसूची में उल्लिखित भूमि में कोयला अधिग्राहन किये जाने की संभावना है,

अतः यदि केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की जिसे इसके पश्चात् उक्त अधिनियम कहा गया है धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र रेखांक सं० राजस्व/3/९२ तारीख 9 जनवरी, 1992 का निरीक्षण सेन्ट्रल कोल्फील्ड्स लिमिटेड (राजस्व विभाग) दरभंगा हाउस, रांची के कार्यालय में या उपायुक्त हजारीबाग (बिहार) के कार्यालय में या कोयला नियंत्रक 1, काउसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर भार साधक अधिकारी/विभागाध्यक्ष (राजस्व) सेन्ट्रल कोल्फील्ड्स लिमिटेड, दरभंगा हाउस, रांची को भेजेंगे।

अनुसूची

टोपा विवृत परियोजना विस्तार

पश्चिमी बोकारो कोयला क्षेत्र

जिला हजारीबाग

(रेखांक सं० राजस्व/3/९२ तारीख 9-1-92 (पूर्वेक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

क्रम सं०	ग्राम	धारा	धारा सं०	जिला	क्षेत्र एकड़ में	क्षेत्र हेक्टर में	टिप्पणियां
1.	पदरंगी	मंडू	54	हजारीबाग	12.25	4.96	भाग
2.	टोयरा	मंडू	125	हजारीबाग	505.05	204.36	भाग

कुल क्षेत्र 517.25 एकड़ (लगभग) या 209.32 हेक्टर (लगभग)

सीमा वर्णन

क—ख रेखा 6 "क" बिन्दु से आरंभ होती है और भागतः ग्राम टोयरा तथा पदरंगी की सम्मिलित सीमा के साथ-साथ जाती है तथा "ख" बिन्दु पर मिलती है।

ख—ग—घ रेखा भाग पदरंगी से होकर जाती है और "घ" बिन्दु पर मिलती है।

घ—ङ रेखा भागतः ग्राम टोयरा और पदरंगी, टोयरा और पिंडरा ग्रामों की सम्मिलित सीमा के साथ-साथ चलती है "ङ" बिन्दु पर मिलती है।

ङ—च रेखा ग्राम टोयरा से होकर जाती है और "च" बिन्दु पर मिलती है।

च—क रेखा भागतः टोयरा और केरीबांदा ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है तथा आरंभिक बिन्दु "क" पर मिलती है।

[फा० सं० 43015/4/92-एल०एस०डब्ल्यू]

बी० बी० राव, अधिकारी संचिय

New Delhi, the 23rd March, 1994.

S.O. 958.—Whereas it appears to the Central Government that Coal is likely to be obtained from the land mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan No. Rev/3/92 dated the 9th January, 1992, of the area covered by this notification can be inspected in the office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi or in the office of the Deputy Commissioner, Hazaribagh (Bihar), or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all map, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Central Coalfields Limited, Darbhanga House, Ranchi within ninety days from the date of the publication of this notification in the Official Gazette.

SCHEDULE

Extension, of Topa Open Cast Project

West Bokaro Coalfield
District:—Hazaribagh

Drg. No. Rev/3/92
Dated—9-1-92
(Showing lands notified for prospecting).

Serial number	Name of the Village	Thana	Thana Number	District	Area in acres	Area in hectare	Remarks
1.	Padrangi	Mandu	54	Hazaribagh	12.25	4.96	Part
2.	Toera	Mandu	125	Hazaribagh	505.00	204.36	Part

Total Area:—517.25 acres or 209.32 hectares
(Approximately)

Boundary description :—

A-B Line starts from point 'A' and passes along part common Boundary of Village Toera and Padrangi and meets at point 'B'.

B-C-D Lines pass through village Padrangi and meet at point 'D'.

D-E Line passes along part common boundaries of village Toera and Padrangi, Toera and Pindra and meet sat point 'E'

E-F Line passes through village Toera and meets at point 'F'.

F-A Line passes along part common boundary of villages Toera and Keribanda and meets at starting point 'A'.

[No. 43015/4/92-LSW]
B. B. RAO, Under Secy.

नई दिल्ली, 24 मार्च, 1994

का० आ० 959—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपावद अनुसूची में उलिखित भूमि में कोयला अधिग्राप्त किये जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसके पश्चात् उक्त अधिनियम कहा गया है (की धारा 4 की उपवारा (1) द्वारा प्रदत्त पारितयों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वक्षरण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन प्राने वाले क्षेत्र के रेखांक सं० सो-1 (ई)/iii/एच० आर/35-493 तारीख 13 अप्रैल, 1993 का निरीक्षण बेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोयला एस्टेट, सिविल लाईस/नागपुर-440001 (महाराष्ट्र)

के कार्यालय में या कलेक्टर छिदवाड़ा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निरिष्ट सभी नक्शों, घाटों और अन्य दस्तावेजों को, इस अधिसूचना के प्रकाशन की तारीख से नबे दिन के भीतर भार साष्टक अधिकारी/विभागाध्यक्ष (राजस्व) वैस्टर्न कोलफील्ड्स लिमिटेड बोयला एस्टेट, सिपिल लांड्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

चिकिलमऊ खालक (कन्हून खेत)

जिला छिदवाड़ा (मध्य प्रदेश)

[रेखांक सं० सी-1(इ)/III/एच० भार०/535-493 तारीख 13 अप्रैल, 1993]

क्रम सं०	ग्राम का नाम	पटवारी संकिल सं०	तहसील	जिला	खेत हेक्टर में	टिप्पणियां
1.	चिकिलमऊ	26	जुश्वारदेव	छिदवाड़ा	142.45	भाग
2.	अलीबाड़ा	26	जुश्वारदेव	छिदवाड़ा	116.30	भाग
3.	तातुरखाड़ा	26	जुश्वारदेव	छिदवाड़ा	142.45	भाग
4.	सुकरी	27	जुश्वारदेव	छिदवाड़ा	100.36	भाग
5.	जमाई	26	जुश्वारदेव	छिदवाड़ा	148.92	भाग
6.	घुट्टी	27	जुश्वारदेव	छिदवाड़ा	194.25	भाग

कुल खेत 844.93 हेक्टर (लगभग)

या

2087.82 एकड़ (लगभग)

सीमा वर्णन

क—द : रेखा "क" बिन्दु से आरम्भ होती है और चिकिलमऊ, अलीबाड़ा और तातुरखाड़ा ग्रामों से होकर गुजरती है तथा "द" बिन्दु पर मिलती है।

ख—ग—घ : रेखा तातुरखाड़ा और मोरकुंड, घुट्टी और मोरकुंड ग्रामों की सम्मिलित ग्राम सीमाओं से होकर गुजरती है तथा "घ" बिन्दु पर मिलती है।

घ—ड—स—छ : रेखा ग्राम घुट्टी से होकर गुजरती है, इसके पश्चात् घुट्टी और सुकरी ग्रामों की सम्मिलित सीमा के साथ-साथ चलती है और ग्राम सुकरी से होकर गुजरती है तथा "छ" बिन्दु पर मिलती है।

छ—ज—झ : रेखा ग्राम जमाई और सुकरी की सम्मिलित ग्राम सीमा के साथ-साथ चलती है। उसके पश्चात् ग्राम जमाई से होकर गुजरती है और "झ" बिन्दु पर मिलती है।

झ—क : रेखा ग्राम जमाई और सरकारी थन खालक सं. 3 उभरेठ रेंज, ग्राम जमाई और जुश्वार विस्ताला, चिकिलमऊ, और जुश्वार दबासी की सम्मिलित सीमाओं के साथ-साथ चलती है और आरंभिक बिन्दु "क" पर मिलती है।

New Delhi, the 24th March, 1994

S.O. 959.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The Plan bearing No. C-1(E)/III/HR/535-493 dated the 13th April, 1993, of the area covered by this notification can be inspected at the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the Office of the Collector, Chhindwara (Madhya Pradesh) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE
CHIKALMAN BLOCK
KANHAN AREA

DISTRICT—CHHINDWARA (MADHYA PRADESH)

[Plan No. C-1 (E)/III/HR/535-493, dated the 13th April, 1993]

Sr. No.	Name of Village;	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Chikalmau	26	Junnardeo	Chhindwara	142.45	Part
2.	Aliwara	26	Junnardeo	Chhindwara	116.50	Part
3.	Taturwara	26	Junnardeo	Chhindwara	142.45	Part
4.	Sukri	27	Junnardeo	Chhindwara	100.36	Part
5.	Jamai	26	Junanrdeo	Chhindwara	148.92	Part
6.	Ghutti	27	Junnardeo	Chhindwara	194.25	Part
Total area—					844.93 hectares (approximately) or 2087.82 Acres (approximately)	

Boundary description:

A-B Line starts from point 'A' and passes through villages Chikalmau, Aliwara, and Taturwara and meets at point 'B'.

B-C-D Line passes along the common village boundary of villages Taturwara and Morkund Ghutti and Morkund and meets at point 'D'.

D-E-F-G Line passes through village Ghutti, then proceeds along the common village boundary of villages Ghutti and Sukri and passes through village Sukri and meets at point 'G'.

G-H-I Line passes along the common village boundaries, villages Jamai and Sukri, then proceeds through village Jamai and meets at point 'I'.

I-A Line passes along the common boundary of village Jamai and Government Forest Block No. 3, Umreth Range, Villages Jamai and Junnor Bissala, Chikalmau and Junner Bissala Chikalmau and Junner Dawami and meets at starting point 'A'.

[No. 43015/9/93-LSW]

B.B. RAO, Under Secy.

नई दिल्ली, 22 मार्च, 1994

का. आ. 960.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

प्रति, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) धारा प्रथम शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्तन करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र रेखांक सं. सी-1(इ)(iii) जे.जे.एम.आर./524-0992 तारीख 8 मितम्बर, 1992 का निरीक्षण ब्रेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलक्टर यवतमल (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और ग्रन्थ दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्ये दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व) ब्रेस्टर्न कोलफील्ड्स लिमिटेड कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची
तथा चिखलगांव ब्लाक
मप्ररी क्षेत्र

पिंडा यावतमल (महाराष्ट्र)

क्रम सं.	ग्राम का नाम	ग्राम संख्याक	तङ्गसील	यावतमल	कुल क्षेत्र हेक्टर में	टिप्पणियां
1	2	3	4	5	6	7
1.	कलामना	31	वाणी	यावतमल	27.50	भाग
2.	चिखलगांव	105	वाणी	यावतमल	620.00	भाग
3.	वाणी	337	वाणी	यावतमल	51.00	भाग
4.	गणेशपुर	79	वाणी	यावतमल	160.00	भाग
5.	परसोदा	194	वाणी	यावतमल	65.00	भाग

कुल क्षेत्र 923.50 हेक्टर (लगभग)
गा

2282.06 एकड़ (लगभग)

सीमा वर्णन :

क-ख

रेखा "क" बिन्दु से आरंभ होती है और ग्राम परसोदा तथा परसोनी, चिखलगांव, जौर परसोनी, मुख्यनी और चिखलगांव की सम्मिलित ग्राम सीमाओं के साथ-साथ चलती है और "ख" बिन्दु पर मिलती है।

ख-ग

रेखा भागत: ग्राम चिखलगांव और गणेशपुर की सम्मिलित सीमा के साथ-साथ चलती है, उसके पश्चात् ग्राम गणेशपुर से होकर गुजरती है और "ग" बिन्दु पर मिलती है।

ग-घ

रेखा ग्राम गणेशपुर से होकर गुजरती है, उसके पश्चात् ग्राम वाणी से होकर चलती है और "घ" बिन्दु पर मिलती है।

घ-ङ०

रेखा ग्राम वाणी से होकर गुजरती है, उसके पश्चात् भागत: ग्राम वाणी और चिखलगांव की सम्मिलित सीमा के साथ-साथ चलती है और "ङ०" बिन्दु पर मिलती है।

ङ०-च

रेखा ग्राम चिखलगांव से होकर गुजरती है, उसके पश्चात् ग्राम कलामना से होकर चलती है तथा "च" बिन्दु पर मिलती है।

च-क

रेखा ग्राम कलामना, चिखलगांव, परसोदा से होकर गुजरती है और आरंभिक बिन्दु "क" पर मिलती है।

New Delhi, the 22nd March, 1994

S.O. 960.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)/III/JJMR/524-0992 dated the 8th September, 1992 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Yavatmal (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE
NEW CHIKHALGAON BLOCK
MAJRI AREA
DISTRICT YAVATMAL (MAHARASHTRA)

Serial Name of village number	Village number	Tahsil	District	Total area in hectares	Remarks
1. Kalamana	31	Wani	Yavatmal	27.50	Part
2. Chikhalgaon	105	Wani	Yavatmal	620.00	Part
3. Wani	337	Wani	Yavatmal	51.00	Part
4. Ganeshpur	79	Wani	Yavatmal	160.00	Part
5. Parsoda	194	Wani	Yavatmal	65.00	Part
Total area :				923.50 hectares (approximately) or 2282.06 acres (approximately)	

Boundary description :

A-B Line starts from point 'A' and passes along the common village boundaries of villages Parsoda and Parsoni, Chikhalgaon and Parsoni, Murdhani and Chikhalgaon, and meets at point 'B'.

B-C Line passes partly along the common village boundary of villages Chikhalgaon and Ganeshpur, then passes through village Ganeshpur and meets at point 'C'.

C-D Line passes through village Ganeshpur then proceeds through villages Wani and meets at point 'D'.

D-E Line passes through village Wani, then proceeds partly along the common village boundary of villages Wani and Chikhalgaon and meets at point 'E'.

E-F Line passes through village Chikhalgaon and then proceeds through village Kalmana and meets at point 'F'.

F-A Line passes through villages Kalmana, Chikhalgaon, Parsoda and meets at starting point 'A'.

आदेश

नई दिल्ली, 28 मार्च, 1994

का. आ 961.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की जिसे इसमें इसके परचात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (i) के अधीन निकाली गई भारत सरकार के कोयला मन्त्रालय की अधिसूचना सं. का. आ. 667 (अ), तारीख 3 अक्टूबर, 1991 के, भारत के राजपत्र असाधारण, भाग 2, खंड 3, उपखंड (ii) तारीख 3 अप्रैल, 1991 में प्रकाशित होने पर, उक्त अधिसूचना से संगलत अनुसूची में वर्णित भूमि में (जिसे इसमें इसके परचात् उक्त भूमि कहा गया है) खनियों के खनन, खदान और करने, निकासन के लिए उनकी खुदाई करने और तलान करने, उन्हें पाप्त करने, उन पर कार्य करने और उन्हें ने जाने के अधिकार, उक्त अधिनियम की धारा 10 की उपधारा (i) के अधीन, सभी विलगणों से मुक्त होकर, अत्याधिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निवासियों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रबल्ल शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में इस प्रकार निहित पूर्वोक्त अधिकार, तारीख 3 अक्टूबर, 1991 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की वजाय, निम्नलिखित निवासियों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएं, अर्थात्:—

सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, व्याज नुकसानी और बैसी ही भदों की वापत किए गए सभी संशयों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;

2. सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को मंदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी, वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में अधिकारों के लिए या उनके संबंध में सभी व्यक्तिकायवाहियों, जैसे अपील आदि की वापत उपगत सभी व्यय भी, सरकारी कंपनी वहन करेगी ।

3. सरकारी कंपनी, केन्द्रीय सरकार या उसके पदाधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदाधारियों द्वारा या उनके विशुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी;

4. सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि में के अधिकार किसी अन्य व्यक्ति को अन्तरित करने की शक्ति नहीं होगी ;

और

5. सरकारी कंपनी, ऐसे निवासियों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हों, उक्त भूमि के विशिष्ट धोनों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी ।

[फा. सं. 43015/14/91-एल.एस. डब्ल्यू]

बी. बी. राव, अवकाश सचिव

ORDER

New Delhi, the 28th March, 1994

S.O. 961.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 667(E) dated the 3rd October, 1991 in the Gazette of India, Extraordinary Part II, Section 3, Sub-Section (ii), dated the 3rd October, 1991, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, (20 of 1957) (hereinafter referred to as the said Act), the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands (hereinafter referred to as the said lands) described in the Schedule appended to the said notification vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as

the Government Company), is willing to comply with such terms and conditions as the Central Government thinks fit impose in this behalf.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the aforesaid rights in the said lands, so vested shall, will effect from the 3rd October, 1991, instead of continuing to so vest in the Central Government vest in the Government company, subject to the following terms and conditions namely :—

- (1) the said company shall reimburse the Central Government all payments made in respect of the compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government company under condi-

tion (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the rights in the said lands so vesting shall also be borne by the Government company.

(3) the Government company shall indemnify the Central Government its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in the said lands so vested;

(4) the Government company shall have no power to transfer the rights in the said lands, so used to any other person without the previous approval of the Central Government; and

(5) the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/14/91/CS/LSW]

B. B. RAO, Under Secy.

नई दिल्ली, 30 मार्च, 1994

का.आ. 962:- केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उपाधद अनुसूची में उल्लिखित भूमि में कोयला अभियाप्त किए जाने की संभावना है।

अतः अब केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयला का पूर्वेक्षण करते के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आते वाले क्षेत्र रेखांक सं. राजस्व/21/91 तारीख 19 जुलाई 1991 का निरीक्षण सेन्ट्रल कोलफील्ड्स लिमिटेड (राजस्व विभाग) दरभंगा हाउस रांची के कार्यालय में या उपायुक्त हजारी बाग (बिहार) के कार्यालय में या कोयला नियंत्रक 1 काउंसल हाउस स्ट्रीट कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आते वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों का इस अधिसूचनाके राजपत्र में प्रकाशन की तारीख में नव्वे दिन के भीतर भार साधक अधिकारी/विभागाध्यक्ष (राजस्व) सेन्ट्रल कोलफील्ड्स लिमिटेड दरभंगा हाउस रांची को भर्जें।

अनुसूची
सुगिया कोयला खान विस्तार
रामगढ़ कोयला थोक
जिला-हजारीबाग (बिहार)
रेखांक संख्या राजस्व /21/91 तारीख 19-7-91
(निरीक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

क्रम सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र कड़ में	क्षेत्र हेक्टर में	टिप्पणियां
1. बैथा		रामगढ़	85	हजारीबाग	— 56. 60	22. 90	भाग
2. गोवरडरहा		रामगढ़	86	हजारीबाग	— 64. 10	25. 940	भाग
3. करमा		भंडू	176	हजारीबाग	170. 00	68. 80	भाग
4. सुगिया		भंडू	177	हजारीबाग	1366. 30	552. 91	भाग

कुल क्षेत्र 1657.00 एकड़ (लगभग) या 67055 हेक्टर (लगभग)

सीमा वर्णन

क-ख

रेखा भागतः करमा और इहा खाप सुगिया और बड़हाथाप ग्रामों की सम्मिलित सीमा के साथ-साथ चलती है तथा "ख" बिन्दु पर मिलती है।

ख-ग-घ-ड

रेखा केथा और गोवरडरहा ग्रामों में होकर जाती है तथा "ड" बिन्दु पर मिलती है। रेखा दामोदर नदी की मध्य रेखा के साथ-साथ चलती है जो सुगिया और गोवरडरहा सुगिया और हुआ सुगिया और लोहमा ग्रामों की सम्मिलित सीमा बनाती है और "च" बिन्दु पर मिलती है।

घ-च-ज-झ

रेखा दामोदर नदी और सुगिया ग्राम से होकर भागतः सुगिया कोयला खान पट्टे के साथ-साथ जाती है तथा "झ" बिन्दु पर मिलती है जो दामोदर नदी की मध्य रेखा है।

स-अं	रेखा दामोदर नदी की मध्य रेखा के साथ-साथ चलती है जो सुगिया और लोडमा ग्रामों की सम्मिलित सीमा का भाग है तथा "अ" बिन्दु पर मिलती है।
अं-ट	रेखा दामोदर नदी से होकर गुजरती है (जो सुगिया और बड़कीड़डी ग्रामों की सम्मिलित सीमा है) तथा "ट" बिन्दु पर मिलती है।
ट-ठ-ड-क	रेखा सुगिया और करमा ग्रामों से होकर जाती है तथा आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/21/91-एल एस उल्लू]
बी.बी. राव, अवर सचिव

New Delhi, the 30th March, 1994

S.O. 96?.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. Rev/21/91 dated the 19th July, 1991 of the area covered by this notification can be inspected in the office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi, or in the office of the Deputy Commissioner, Hazar bagh (Bihar), or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in Charge/Head of the Department (Revenue), Central Coalfields Limited, Darbhanga House, Ranchi, within ninety days from the date of publication in this notification.

SCHEDULE
SUGIA COLLIERY EXTENSION
RAMGARH COALFIELD
DISTRICT HAZARIBAGH

(Drawing No. Rev/21/91 dated 19th July, 91)
(Showing lands to be notified for prospecting)

Serial number	Village	Thana	Thana number	District	Area in acres	Area in hectares	Remarks
1.	Kaitha	Ramgarh	85	Hazaribagh	56.60	22.90	Part
2.	Gobardarha	Ramgarh	86	Hazaribagh	64.10	25.94	Part
3.	Karma	Mandu	176	Hazaribagh	170.00	68.80	Part
4.	Sugia	Mandu	177	Hazaribagh	1366.30	552.91	Part

Total area:— 1657.00 acres (approximately)
or

670.55 hectares
(approximately)

Boundary description :

A-B	Line passes along part of the common boundaries of villages Karma and Burhakhap, Sugia and Burhakhap and meets at point 'B'.
B-C-D-E	Line passes through villages Kaitha and Gobardarha and meet at point 'E'.
E-F	Line passes along the Central line of River Damodar which forms parts of the common boundaries of villages Sugia and Gobardarha, Sugia and Huhua, Sugia and Lodhna and meets at point 'F'.

F-G-H-I	Line passes through Damodar river and through village Sugia (along part of the common boundary of Sugia Colliery lease) and meets at point 'I' which is on Central line of Damodar river.
I-J	Line passes along the Central line of Damodar river which is the part of the common boundary of villages Sugia and Lodhma and meets at point 'J'.
J-K	Line passes through Damodar river (which is the common boundary of villages Sugia and Barkidundi) and meets at point 'K'.
K-L-M-A	Line passes through villages Sugia and Karma and meets at starting point 'A'.

[No. 43015/21/92-LSW]
B.B. RAO, Under Secy

नई दिल्ली, 30 मार्च, 1994

का.आ. 963 :—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की सम्भावना है।

अतः अब केन्द्रीय सरकार कोयला धारक क्षेत्र (प्रर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयला का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र रेखांक सं.सी-1 (ई) (III) जे.जे. आर. /519-0792 तारीख 27 जुलाई, 1992 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलक्टर चन्द्रपुर (महाराष्ट्र) के कार्यालय में कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्ट्स और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर भार साधक अधिकारी/विभागाध्यक्ष (राजस्व) वेस्टर्न कोलफील्ड्स लिमिटेड कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 को भेजेंगे।

अनुसूची
तकली लालक
वाणी क्षेत्र

जिला चन्द्रपुर (महाराष्ट्र)

क्रम सं. ग्राम का नाम	पटवारी सर्किल सं० तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियाँ
1. खंडाला	7 भद्रावर्ती	चन्द्रपुर	5.30	भाग
2. ग्रस्थी	7 भद्रावर्ती	चन्द्रपुर	286.46	भाग
3. पनवाडाला	7 भद्रावर्ती	चन्द्रपुर	348.60	भाग
4. गोराला	7 भद्रावर्ती	चन्द्रपुर	97.20	भाग
5. डोंगरगांव	9 भद्रावर्ती	चन्द्रपुर	589.80	भाग
6. चोपन	1 भद्रावर्ती	चन्द्रपुर	126.00	भाग
7. भटाडी	9 भद्रावर्ती	चन्द्रपुर	305.96	भाग
8. पोवानारे	10 भद्रावर्ती	चन्द्रपुर	220.68	भाग

कुल क्षेत्र : 1980.00 हेक्टर (लगभग) या 4892.58 एकड़ (लगभग)

सीमा वर्णन

क-ख : रेखा "क" बिन्दु से आरंभ होती है और खंडाला, गोराला और चोपन ग्रामों से होकर गुजरती है तथा "ख" बिन्दु पर मिलती है।

ख-ग : रेखा चापन, भटाडी और पोवानारे ग्रामों की बाहरी सीमा के साथ-साथ चलती है और "ग" बिन्दु पर मिलती है।

ग-घ-ड० : रेखा पोवानारे, डोंगरगांव, पनवाडाला ग्रामों से होकर गुजरती है और "ड०" बिन्दु पर मिलती है।

ड०-क : रेखा पनवाडाला, ग्रस्थी और खंडाला ग्रामों की बाहरी सीमा के साथ-साथ चलती है और आरंभिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015(14) 92-ए.ल.एस.डब्ल्यू.]
बी. बी. राव, अवर सचिव

New Delhi, the 30th March, 1994

S.O.963.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of the intention to prospect for coal therein:

The plan bearing No. C-1(E)/III/JJR/519-0792 dated the 27th July, 1992 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001, within ninety days from the date of publication of this notification.

SCHEDULE
TAKLI BLOCK
WANI AREA
DISTRICT CHANDRAPUR (MAHARASHTRA)

Serial number	Name of the village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1. Khandala		7	Bhadrapati	Chandrapur	5.30	Part
2. Asthi		7	Bhadrapati	Chandrapur	286.46	Full
3. Panwadala		7	Bhadrapati	Chandrapur	348.60	Part
4. Gotala		7	Bhadrapati	Chandrapur	97.20	Part
5. Dongargaon		9	Bhadrapati	Chandrapur	589.80	Part
6. Chopan		1	Bhadrapati	Chandrapur	126.00	Part
7. Bhatadi		9	Bhadrapati	Chandrapur	305.96	Full
8. Powana Ray		10	Bhadrapati	Chandrapur	220.68	Part

Total area : 1980.00 hectares
 (approximately)
 or
 4892.58 acres
 (approximately)

Bounadry description :

A-B Line starts from point 'A' and passes through villages Khandala, Gotala and Chopan and meets at point 'B'.

B-C Line passes along the outer boundary of villages Chopan, Bhatadi and Powana Ray and meets at point "C".

C-D-E Line passes through villages Powana Ray, Dongargaon, Panwadala and meets at point "E".

E-A Line passes along the outer boundary of villages Panwadala, Asthi and Khandala and meets at starting point "A".

नई विल्ली, 30 मार्च, 1994

का. आ. 964.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपावद्ध अनुमूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार, कोयला धारकों क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें दृष्टके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एस.ई.सी.एल./बी.एस.पी./जी.एम-एलानिंग/भूमि/122 तारीख 5 अप्रैल, 1993 का निरीक्षण कलेक्टर, शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकाता, 700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495001 (म.प्र.) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्विष्ट सभी नक्शों, चार्ट्स और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर, भारतीय अधिकारी/विभागाध्यक्ष (राजस्व) साउथ ईस्टर्न कोलफील्ड्स लिमिटेड सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) को भेजेंगे।

अनुमूची

अमादान्द भालाक II

सोहागपुर कोलफील्ड्स

जमना कोटमा क्षेत्र

जिला-शहडोल (मध्य प्रदेश)

रेखांक सं.एस.ई.सी.एल./बी.एस.पी./जी.एम./प्लानिंग भूमि/122 तारीख 5 अप्रैल, 1993

(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शित करते हुए)

क्रम सं.	ग्राम	पटवारी हल्का सं. तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1. हर्री		25	कोतमा	शहडोल	270.842 पूर्ण
2. खोडरी		25	कोतमा	शहडोल	569.84 पूर्ण
3. कुहका		27	कोतमा	शहडोल	471.825 पूर्ण
4. निमाहा		27	कोतमा	शहडोल	855.503 पूर्ण
5. आमाडांड		27	कोतमा	शहडोल	462.60 पूर्ण
6. फुलकोना		25	कोनपा	शहडोल	620.00 भाग
7. सेपरा		23	कोतमा	शहडोल	162.00 भाग

योग 3412.61 हेक्टर (लगभग)

या

8432.559 एकड़ (लगभग)

सीमा वर्णन

क-ख-ग-घ

रेखा हेन्दरी नाला में “क” बिन्दु से आरंभ होती है और भागत: हेन्दरी नाला में, ग्राम हर्री की उत्तरी सीमा के साथ-साथ और भागत: उसी ग्राम की पूर्वी सीमा के साथ-साथ होकर गुजरती है तथा “घ” बिन्दु पर मिलती है।

घ-ड-च-छ

रेखा मेमरा ग्राम से होकर भागत: सेमरा और फुलकोना ग्रामों की पूर्वी सीमा के साथ-साथ उसके बाद ग्राम फुलकोना में होकर गुजरती है और “छ” बिन्दु पर मिलती है।

छ-ज

रेखा ग्राम अमादान्द की पूर्वी सीमा के साथ-साथ और उसके बाद उसी ग्राम की दक्षिणी सीमा के साथ-साथ गुजरती है और “ज” बिन्दु पर मिलती है।

ज-झ-झा

रेखा ग्राम निमाहा की दक्षिणी सीमा के साथ-साथ गुजरती है और “झ” बिन्दु पर मिलती है।

झ-ट-ठ-ड-ठ

रेखा ग्राम निमाहा की पश्चिमी सीमा के साथ-साथ चलती है। उसके बाद कुहका ग्राम की भागत: दक्षिणी सीमा और पश्चिमी सीमा के साथ और भागत: उसी ग्राम की उत्तरी सीमा के साथ-साथ गुजरती है और “ठ” बिन्दु पर मिलती है।

ठ-क

रेखा ग्राम कोडरी, हर्री की पश्चिम सीमा के साथ-साथ गुजरती है और आरंभिक बिन्दु “क” पर मिलती है।

New Delhi the 30th March, 1994

S.O. 964.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing number SECL/BSP/GM (Plg.)/Land/122 dated the 5th April, 1993, of the area covered by this notification can be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the Office of the Coal Controller, 1 Council House Street, Calcutta-700001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in Charge/Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495001 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

**AMADAND BLOCK-II
SOHAGPUR COALFIELDS
JAMUNA KOTMA AREA**
DISTRICT, SHAHDOL (MADHYA PRADESH)

Plan number SECL/BSP/GM (Plg.)/Land/122
dated 5th April, 1993
(Showing land notified for prospecting)

Serial	Village number	Patwari Halka number	Tahsil	District	Area in hectares	Remarks
1. Harri		25	Kotma	Shahdol	270.842	Full
2. Khodri		25	Kotma	Shahdol	569.84	Full
3. Kuhaka		27	Kotma	Shahdol	471.825	Full
4. Nimaha		27	Kotma	Shahdol	855.503	Full
5. Amadand		27	Kotma	Shahdol	462.60	Full
6. Phulkona		25	Kotma	Shahdol	620.00	Part
7. Semra		23	Kotma	Shahdol	162.00	Part
Total:—					3412.61 hectares (approximately) or 8432.559 acres (approximately)	

Boundary description :

A-B-C-D Line starts from point 'A' in Hendri Nala and passes partly through Hendri Nala, along northern boundary of village Harri and partly along the eastern boundary of the same village and meets at point 'D'.

D-E-F-G Line passes through Semra village, partly along the eastern boundaries of village Semra and Phulkona, then through village Phulkona and meets at point 'G'.

G-H Line passes along the eastern boundary of village Amadand, then southern boundary of the same village and meets at point 'H'.

H-I-J Line passes along the southern boundary of village Nimaha and meets at point 'J'.

J-K-L M-N

Line passes along the western boundary of village Nimaha, then partly along the southern boundary and western boundary of village Kuhaka and partly along the northern boundary of the same village and meets at point 'N'.

N-A

Line passes along the western boundary of villages Khodri, Harr and meets at the starting point 'A'.

[No. 43015/11/93-LSW]
B.B. RAO, Under Secy.

नई दिल्ली, 30 मार्च, 1994

का.आ. 965.—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उत्तरद्वारा अनसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार, कोयला, धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसे पश्चात उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त ग्रंथियों का प्रयोग करते हुए उम्मेद में कोयला का पूर्वेक्षण करते के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र रेखांक सं.सी.-1 (ई)-(xiii)/एच.आर./523-0992 तारीख 7 मितम्बर, 1992 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोयला एस्टेट, सिविल लाइंस, नागपुर-440001 (महाराष्ट्र) कार्यालय में या कलेक्टर छिदवाड़ा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, हम अधिसूचना के ग्राजपत में प्रकाशन की तारीख से नव्वे दिन के भीतर, भार साधक अधिकारी/विभागाध्यक्ष (राजस्व) वेस्टर्न कोलफील्ड्स लिमिटेड कोयला, एस्टेट सिविल लाइंस, नागपुर-440001 को भेजेंगे।

अनसूची

टांडसी ब्लॉक 3

जिला छिदवाड़ा, मध्यप्रदेश

क्रम सं.	बन का नाम	कम्पार्टमेंट संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	बन (संरक्षित)	पी 421	जुन्नारदेव	छिदवाड़ा	2. 428	भाग
2.	बन (संरक्षित)	पी 422	जुन्नारदेव	छिदवाड़ा	110. 724	भाग
3.	बन (संरक्षित)	पी 434	जुन्नारदेव	छिदवाड़ा	42. 574	भाग
4.	बन (संरक्षित)	पी 435	जुन्नारदेव	छिदवाड़ा	25. 900	भाग

कुल क्षेत्र 181. 626 हेक्टर (लगभग) या 448. 800 एकड़ (यगभग)

सीमा वर्णन

क-ख

रेखा "क" बिन्दु से आरंभ होती है और बन कम्पार्टमेंट सं.पी. 435, पी 422 से होकर जाती है तथा "ख" बिन्दु पर मिलती है।

ख-ग

रेखा बन कम्पार्टमेंट सं.पी. 422 पी 421 से होकर जाती है तथा "ग" बिन्दु पर मिलती है।

ग-घ

रेखा बन कम्पार्टमेंट सं.पी. 422 पी 432, पी 434 से होकर जाती है तथा "घ" बिन्दु पर मिलती है।

घ-क

रेखा बन कम्पार्टमेंट सं.पी. 434, पी 435 से होकर जाती है तथा आगमिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/16/92-एन एन डब्ल्यू]

बी. बी. रात्र, अवध, सूचित्र

New Delhi, the 30th March, 1994

5. (i). 95.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)/III/HR/523-0992 dated the 7th September, 1992, of the area covered by this notification can be inspected in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or in the Office of the Collector, Chhindwara (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 within ninety days from the date of publication of this notification.

SCHEDULE

TANDSI BLOCK-III

DISTRICT CHHINDWARA (MADHYA PRADESH)

Serial number	Name of the forest	Compartment number	Tahsil	District	Hectares	Remarks
1. Forest (Protected)		P-421	Junnardeo	Chhindwara	2,428	Part
2. Forest (Protected)		P-422	Junnardeo	Chhindwara	110.724	Part
3. Forest (Protected)		P-434	Junnardeo	Chhindwara	42.574	Part
4. Forest (Protected)		P-435	Junnardeo	Chhindwara	25.990	Part
Total area :					181.626 hectares (approximately)	
					or 448.800 acres (approximately)	

Boundary description :

A-B: Line starts from point 'A' and passes through Forest Compartment numbers P-435, P-422 and meets at point 'B'.

B-C: Line passes through Forest Compartment numbers P-422, P-421 and meets at point 'C'.

C-D: Line passes through Forest Compartment numbers P-421, P-422, P-434 and meets at point 'D'.

D-A: Line passes through Forest Compartment numbers P-434, P-435 and meets at start point 'A'.

[No. 43015/16/92-LSW]
B.B. RAO, Under Secy.

नई दिल्ली, 4 अप्रैल, 1994

का. वा. 966—केन्द्रीय सरकार को यह प्रोत्त प्रोत्त होता है कि इसमें उपर्युक्त अनुसूची में उल्लिखित भूमि में कोयला अभियान किया जाते की संभावना है।

अतः, यह, केन्द्रीय सरकार, कोयला धारक क्षेत्र (प्रजनन और विकास) अधिनियम, 1957 (1957 का 20 की) (जिसे इसमें इसके पश्चात उस अधिनियम कहा गया है) धारा 4 की उपाधारा (1) धारा प्रदत्त अक्षियों का प्रयोग करने हए, उस क्षेत्र में कोयले का पूर्वाभ्यन्तर करने के अपर्याप्त गारंगा की सूचना देनी है।

इस अधिनियम के पश्चात याते वाले क्षेत्र रेखांक नं. ३ मीणल/जीएम/एस वी ०/एम व या आर/नैड/१३/४ तारीख १९ नवम्बर, 1992 का नियंत्रण कल्याण, वर्द्धवान, पश्चिम बंगाल (विभाग) के कार्यालय में या कोयला नियन्त्रक, १, काउंसिल हाउस ब्लॉक, कल्याण के कार्यालय में या निदेशक (तकनीकी) परियोजना और योजना, इस्टर्न कॉलकाता बिल्डिंग, रैकटीशिया द्वाक्षर दिल्लीराम, जिला—वर्द्धवान (पश्चिम बंगाल) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की जप्ताग (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्ये दिन के भीतर, भार साधक अधिकारी/विभागाध्यक्ष (राजस्व), वेस्टन कॉलफील्ड्स लिमिटेड सैक्टरीरिया को भेजेंगे।

अनुमूल्य

ब्लाक मोनपुर रानीगंज कोयला क्षेत्र

(रेखांक सं./ई सी एल/जीएम/एल वी ए/एस यू आर/लैंड/4, तारीख 9-11-1992)

क्रम सं.	मौजा (ग्राम)	अधिकारिता सूची सं.	पलिस थाना	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	कोनारडीही	14	—	पंडावेश्वर—बर्दवान	15.00	भाग
2.	नवाग्राम	20	—	पंडावेश्वर—बर्दवान	125.00	भाग
3.	भालूका	21	—	पंडावेश्वर—बर्दवान	12.00	भाग
4.	सोनपुर	22	—	पंडावेश्वर—बर्दवान	86.90	भाग
5.	बनबहल	26	—	पंडावेश्वर—बर्दवान	78.00	भाग
6.	हंसडीही	27	—	पंडावेश्वर—बर्दवान	177.00	भाग
7.	शंकरपुर	28	—	पंडावेश्वर—बर्दवान	77.00	भाग

570.00 हेक्टर (लगभग)

सीमा वर्णन

क—ख रेखा "क" बिन्दु से आरंभ होती है और मौजा बनबहल से होकर जाती है तथा "ख" बिन्दु पर मिलती है।
 ख—ग रेखा "ख" बिन्दु से आरंभ होती है और मौजा शंकरपुर, नवाग्राम, कोनारडीह से होकर जाती है तथा "ग" बिन्दु पर मिलती है।
 ग—घ रेखा "ग" बिन्दु से आरंभ होती है और मौजा कोनारडीह से होकर जाती है तथा "घ" बिन्दु पर मिलती है।
 घ—ड रेखा "घ" बिन्दु से आरंभ होती है और मौजा नवाग्राम और भालूका से होकर जाती है तथा "ड" बिन्दु पर मिलती है।
 ड—च रेखा "ड" रेखा मे आरंभ होती है और मौजा भालूका तथा सोनपुर की सीमारेखा के साथ-साथ चलती है तथा सोनपुर मौजा से होकर जाती है और "च" बिन्दु पर मिलती है।
 च—क रेखा "च" बिन्दु से आरंभ होती है और निरंतर रानीगंज, सूरी सड़क के साथ-साथ चलती है तथा "क" बिन्दु पर मिलती है।

[सं. 43015/17/93—ए.ल.एस उद्यय]

बी.बी. राव अवर सचिव

New Delhi, the 4th April, 1994

S.O. 966.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The Plan bearing number ECL/GM/SBA/SUR/Land/92/4 dated 9th November 1992, of the area covered by this notification may be inspected in the office of the Collector, Burdwan (West Bengal) or in the office of the Coal Controller, 1 Council House Street, Calcutta or in the office of the Director (Technical)/Project and Planning, Eastern Coalfields Limited, Sanctoria, Post Office Disergarh, District Burdwan (West Bengal).

Any person interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said act to the Officer-in-Charge/Head of the Department (Revenue) Eastern Coalfields Limited, Sanctoria, within ninety days from the date of the publication of this notification in the Official Gazette.

SCHEDULE

BLOCK-SONEPUR RANIGANJ COALFIELDS
(Drawing No. ECL/GM/SBA/SUR/Land/4 dated 09-11-92)

Serial Number	Mouza (Village) Number	Jurisdiction List Number	Police Station	District	Area in hectare	Remarks
1. Konardihi		14	Pandaveswar	Burdwan	15.00	Part
2. Nabagram		20	Pandaveswar	Burdwan	125.00	Part
3. Bhaluka		21	Pandaveswar	Burdwan	12.00	Part
4. Sonepur		22	Pandaveswar	Burdwan	86.00	Part
5. Bonbahal		26	Pandaveswar	Burdwan	78.00	Part
6. Hansdiha		27	Pandaveswar	Burdwan	177.00	Part
7. Sankarpur		28	Pandaveswar	Burdwan	77.00	Part
						570.00 hectares (approximately)

Boundary description :

A-B Line starts from point 'A' and passes through mouza Banbahal and meets at point 'B'.

B-C Line starts from point 'B' and passes through mouza Sankarpur, Nabagram, Konardihi and meets at point 'C'.

C-D Line starts from point 'C' and passes through mouza Konardihi and meets point 'D'.

D-E Line starts from point 'D' and passes through mouza Nabagram and Bhaluka and meets at point 'E'.

E-F Line starts from point 'E' and passes along the boundary line of mouza Bhaluka and Sonepur and through Sonepur mouza and meets at point 'F'.

F-A Line starts from point 'F' and passes all along Raniganj-Suri road and meets at point 'A'.

[No. 43015/17/93-LSW]
B.B. RAO, Under Secy.

कृषि मंत्रालय
(कृषि अनुसंधान श्रीर गिक्षा विभाग)
(भारतीय कृषि अनुसंधान परिषद)
नई दिल्ली, 25 मार्च, 1994

फा. आ. 967.—भारतीय कृषि अनुसंधान परिषद द्वारा बनाए गए स्थायी वित्त समिति के विनियम 2(iv) के अनुसरण में तथा कृषि उत्पाद उपकर अधिनियम, 1940 की धारा 27(2) में निहित प्रावधानों के अनुसरण में शासी निकाय के निम्नलिखित मवस्थों को इस निकाय द्वारा 28-6-1994 से एक वर्ष की नयी अवधि के लिए स्थायी वित्त समिति के सदस्य के रूप में निर्वाचित किया गया है:—

- डा. धी. ज्ञानप्रकाशम
कुलपति
तमिलनाडु पश्चिमिक्ता और कृषि विश्वविद्यालय,
मद्रास
- डा. पी. एस. लाल्हा,
भूतपूर्व कुलपति,
51, डिफेंस कालोनी,
हिसार-125001 (हरियाणा)

[फा. सं. 6(1)/93-सौ. एम. सी.]
मुनील सूद, संयुक्त सचिव

MINISTRY OF AGRICULTURE
(Department of Agricultural Research and Education)
(Indian Council of Agricultural Research)
New Delhi, the 25th March, 1994

S.O. 967.—In pursuance of Regulation 2(iv) of the Standing Finance Committee Regulations, framed by the Indian Council of Agricultural Research and in pursuance of provision contained in Section 7(2) of the A.P. Cess Act, 1940, the Governing Body has elected the following Members to the Standing Finance Committee for the unexpired portion of one year tenure upto 28-06-1994 :—

- Dr. V. Gyanaprakasam,
Vice-Chancellor,
Tamil Nadu Veterinary and
Agricultural University,
Madras.
- Dr. P. S. Lamba,
Former Vice-Chancellor,
51, Defence Colony,
Hissar-125001,
Haryana.

[F. No. 6(1)/93-CSC]
SUNIL SUD, Jt. Secy.

मानव संसाधन विकास मंत्रालय
(महिला एवं बाल विकास विभाग)
पूर्व विद्यास अधिनियम, 1890 (1890 का 6) के मामले में
राष्ट्रीय बाल कोष, नई दिल्ली के मामले में
नई दिल्ली, 29 मार्च, 1994

फा. आ. 968—पूर्व विद्यास अधिनियम 1890
(1890 का 6) की धारा 10 के अनुसरण में केन्द्रीय

सरकार एतद्वारा आदेश देती है कि भारत के लिए पूर्ति विनायक के खजांची भूतपूर्व वित्त मंत्रालय आधिक कार्य विभाग, नार्थ ब्लॉक, नई दिल्ली में निहित तथा सचिव खजांची (गण्डीय बाल कोप) के नामे जमा ₹. 1,00,000/- (एक लाख रुपए के बल मात्र) के अनित रूप्य को निम्नलिखित प्रतिभूतियों संबंधी प्रतिदान आय को सचिव खजांची (गण्डीय बाल कोप) के नामे अंतरित कर दिया जाए।

प्रतिभूतियों का विवरण	अंकित मूल्य	जिम निशि को
पंचवर्षीय लाक्ष्याना	₹. 1,00,000/-	देय है
आवधिक जमा योजना		29-3-94

[सं. 13-6/94-टी आर-II]
राकेश कुमार वर्मा, उप सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Women & Child Development)
IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT 1890 (6 of 1890)
IN THE MATTER OF THE NATIONAL CHILDREN'S FUNDS, NEW DELHI

New Delhi, the 29th March, 1994

S.O. 968.—In pursuance of Section 10 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the redemption proceeds in respect of the following securities of the face value of Rs. 1,00,000 (Rupees one lakh only) held in the name of Secretary-Treasurer (NCF) and vested in the Treasurer of Charitable Endowments for India erstwhile Ministry of Finance, Department of Economic Affairs, North Block, New Delhi be transferred to the Secretary-Treasurer (NCF).

Description of Securities	Facee	Naturing on
1. Five Years Post Office Time Deposit Scheme.	Rs. 1,00,000	29-3-94

[F. No. 13-6/94-TR-II]
R. K. VERMA, Dy. Secy.

(शिक्षा विभाग)

नई दिल्ली, 23 फावरी, 1994

का. आ. 969 :—केन्द्रीय सरकार राजभाषा (सध के सरकारी प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में मानव समाधन विकास मंत्रालय (शिक्षा विभाग) के निम्नलिखित ग्रामीनस्थ कार्यालय को जिसमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यमाधक ज्ञान प्राप्त कर लिया है अधिसूचित करती है :—

आल भवन सोमाईटी इंडिया,
कोटला रोड, नई दिल्ली-110002

[सं. 11011/2-92-रा. भा.ए.]
ओम प्रकाश चावला, निदेशक (राजभाषा)

(Dept. of Education)

New Delhi, the 23rd February, 1994

S.O. 969.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for Official purpose of the union) Rules 1976, the Central Government hereby notifies the following autonomous organisation of the Ministry of Human Resource Development (Dept. of Education), more than 80 per cent staff of which has acquired working knowledge of Hindi :—

Bal Bhawan Society India,
Kotla Road,
New Delhi-110002.

[No. 11011-2/92-O.L.U.]
O. P. CHAWLA, Director (O.L.)

नई दिल्ली, 23 फावरी, 1994

का. आ. 970 :—केन्द्रीय सरकार राजभाषा (सध के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसरण में मानव समाधन विकास मंत्रालय (शिक्षा विभाग) के निम्नलिखित ग्रामीनस्थ कार्यालय को जिसमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यमाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

उत्तर धेवीय कार्यालय,
शिक्षा विभाग,
मानव समाधन विकास मंत्रालय
1-ए, सक्षमण्डाम,
नवाबगंज, कानपुर-208002

[सं. 11011-2/92 रा. भा.ए]
ओ. पी. चावला, निदेशक (राजभाषा)

New Delhi, the 23rd February, 1994

S.O. 970.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (use for Official Purpose of the union) Rules 1976, the Central Government hereby notifies the following Subordinate Office of the Ministry of Human Resource Development (Dept. of Education), more than 80 per cent staff of which has acquired working knowledge of Hindi :—

Northern Regional Office,
Dept. of Education,
Ministry of Human Resource Development,
1. A, Laxamanbagh,
Navabgunj,
Kanpur-208002.

[No. 11011-2/92-O.L.U.]
O. P. CHAWLA, Director (O.L.)

शहरी विकास मंत्रालय
(निर्माण प्रभाग)

नई दिल्ली 21 मार्च, 1994

का. आ. 971.—राजघाट गमाधि अधिनियम 1951 (1951 का 41) के खण्ड 4 के उप-खण्ड (1) और (2) के ताथ पठित खण्ड 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र राजधानी विजय भन्द भगवती को प्रो. रामजी मिह के स्थान पर राजघाट समिति का एतद्वारा सदस्य नियुक्त करती है।

[सं. 25011/7/85-डब्ल्यू. 3]

वी. वी. रामानाथन, अवर मंत्रिव

MINISTRY OF URBAN DEVELOPMENT
(Works Division)

New Delhi, the 21st March, 1994

S.O. 971.—In exercise of the powers conferred by Section 3 read with Sub-section (1) and (2) of Section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951) the Central Government hereby appoints Shri Bejoy Chandra Bhagwati as a Member of the Rajghat Samadhi Committee in place of Prof. Ramji Singh.

[No. 25011/7/85-W3]

V. V. RAMANATHAN, Under Secy.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 अप्रैल, 1994

का.आ. 972.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एल.पी.जी. प्लान्ट गंधार से एन.टी.पी.सी. जनोर तक पैट्रोलियम के परिवहन के लिये पाईपलाइन गैस अथारिटी ऑफ इंडिया लि. हारा विश्वार्थ जारी चाहिए।

ओर यतः यह प्रतीत होता है कि ऐसी लाइंसों को विधान के प्रयोगन के लिये एतदपावड्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

यतः यद्य पैट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के प्रधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आण्य एतदद्वारा घोषित किया है।

वर्णते कि उक्त भूमि में हितबढ़ कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लि., दर्पण बिल्डिंग, आर.सी. दत्त रोड, बडोदरा फो इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि अवसायी की मार्फत।

अनुसूची

गैस पाईपलाइन एल.पी.जी. प्लान्ट गंधार से एन.टी.पी.सी. जनोर

राज्यः गुजरात

जिला—भरुच

तालुका—ग्रामोद

गांव	सर्वेक्षण संख्या/खंड संख्या	क्षेत्रफल		
		हेक्टेयर	एकर	सेटीएकर
1	2	3/1	3/2	3/3
समनी	133	0	0.2	8.5
	केनाल	0	0.8	5.5
	134	0	1.2	8.3
	गाडी-रास्ता	0	0.5	7.0
	138	0	7.5	5.5
	154	0	0.2	0.5

1	2	3/1	3/2	3/3
समनी	153	0	04	27
	152	0	06	42
	171	0	06	42
रेल— क्रोसिंग		0	08	55
(समनी—वाजरा)				
	171	0	11	40
	173	0	12	83
भरुच—जंबुसर रोड		0	05	70
रेल—क्रासिंग		0	09	98
(भरुच—जंबुसर)				
	194	0	11	41
	193	0	02	85
	191	0	11	96
	190	0	21	38
नाला		0	05	70
	221	0	17	28
	222	0	18	09
	224	0	24	48
	226	0	27	45
	256	0	03	30
	255	0	22	41
	232	0	14	04
	233	0	00	20
	234	0	25	38

[सं. एल-14016/01/93-जीपी]

अवैन्दु सेन, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 4th April, 1994

S.O. 972.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from L. P. G. Plant Gandhar to NTPC, Zanor in Gujarat State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd Darpan Building R. C. Dutt Road, VADODARA-5.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Gas-Pipe-Line from LPG Plant—Gandhar to N.T.P.C. Zanor

State : Gujarat	District : Bharuch	Taluka : Amod	Area				
			Hectare	Are	Centiare		
Village	Sr. No./Block No.		1	2	3/1	3/2	3/3
Samni	133			0	02	85	
	Canal			0	08	55	
	134			0	12	83	
	Cart-Track			0	05	70	
	138			0	75	55	
	154			0	02	05	
	153			0	04	27	
	152			0	06	42	
	171			0	06	42	
	Railway Crossing			0	08	55	
	(Samni-Vagra)						
	171			0	11	40	
	173			0	12	83	
	Bharuch-Jambusar Road			0	05	70	
	Railway-Crossing			0	09	98	
	(Bharuch-Jambusar)						
	194			0	11	41	
	193			0	02	85	
	191			0	11	96	
	190			0	21	38	
	Nala			0	05	70	
	221			0	17	28	
	222			0	18	09	
	224			0	24	48	
	226			0	27	45	
	256			0	03	30	
	255			0	22	41	
	232			0	14	04	
	233			0	00	20	
	234			0	25	38	

[No. L-14016/01/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 11 अप्रैल, 1994

का. आ. 973.—पेट्रोलियम और खनिज पाइपलाईन (भूमि के उपयोग के प्रधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के खण्ड 2 की धारा (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा नीचे अनुसूची के कालम-1 में उल्लिखित प्राधिकरण को उपरोक्त अधिनियम के अन्तर्गत उक्त अनुसूची के कालम संख्या 3 में बताए अनुसार क्षेत्र में सक्षम प्राधिकारी के रूप में कार्य करने हेतु प्राधिकृत करती है।

व्यक्ति का नाम	पता	अधिकार का क्षेत्र
बी एस नायक	गैस अथारिटी आफ	महाराष्ट्र
सेवानिवृत्त सहायक	इंडिया लिमिटेड	
श्रायुक्त	कमरा नं. 107, होटल बिंग स्पलैश जिला अलीबाग, रायगढ़	

[सं. एल-14016/6/93 जी पी]
अर्धेन्दु सैन, निदेशक

New Delhi, the 11th April, 1994

S.O. 973.—In pursuance of clausae (a) of Section 2 of the Petroleum & Minerals Pipelines (Acquisition of Right of Users in Land) Act 1962 (50 of 1962) the Central Government hereby authorise the authority mentioned in Column-1 of the Schedule below to perform the function of Competent Authority under the said act within the area mentioned in the corresponding entry in the Column 3 of the said schedule.

SCHEDULE

Name of the Person	Address	Territorial Jurisdiction
1	2	3
V.S. Naik, Retired Asstt. Commissioner	Gas Authority of India Ltd. Room No. 107 Hotel Big Splash Alibag Distt. Raigarh	Maharashtra

[No. L-14016/6/93-GP]
ARDHENDU SEN, Director

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 4 अप्रैल, 1994

का. आ 974.—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल मंत्रालय, रेलवे बोर्ड निम्नलिखित रेल कार्यालयों को, जहां कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है:—

- रेलपथ निरीक्षक कार्यालय, कतरासगढ़, धनबाद मण्डल, पूर्व रेलवे
- जिला भूंडार कियंकर कार्यालय, डी.रे.का./कलकत्ता।

[सं. हिंदी-94/रा. भा. 1/12/1]

मसीहूज्जमां, सचिव,
रेलवे बोर्ड और भारत सरकार पदेन अपर सचिव

MINISTRY OF RAILWAY

(Railway Board)

New Delhi, the 4th April, 1994

S.O. 974.—In pursuance of sub-Rules (2) and (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board), hereby notify the undermentioned Railway Offices where the staff have acquired the working knowledge of Hindi :—

- Office of P.W.I., Katrasgarh, Dhanbad Division, Eastern Railway.
- Office of District Controller of Stores, D.L.W., Calcutta.

[No. Hindi-94/OL-I/12/1]
MASIHUZZAMAN, Secy.

Railway Board & Ex. Officio Addl. Secy.

क्रम मंत्रालय
नई दिल्ली, 23 मार्च, 1994

का. आ 975.—ग्रौदोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ग्राफ़ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ग्रौदोगिक विवाद में केन्द्रीय सरकार ग्रौदोगिक अधिकारण नं. 1 बम्बई के पंचपट को प्रकाशित करती है कौ केन्द्रीय सरकार को 23-3-94 को प्राप्त हुआ था।

[संख्या एल-12012/54/91-ग्राइ-आर (बी-2)]

वी. के. शर्मा, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 23rd March, 1994

S.O. 975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Central Bank of India, and their workmen, which was received by the Central Government on 23-3-1994

[No. L-12012/54/91-IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I
AT BOMBAY

PRESENT :

Justice Shri R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-62 OF 1991

PARTIES :

Employers in relation to the management of Central Bank of India.

And

Their workmen.

APPEARANCES :

For the Management—No appearance.

For the Workmen—Shri Marakwar, Advocate.

INDUSTRY—Banking.

STATE—Maharashtra.

Bombay, the 7th day of March, 1994

AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour, New Delhi by letter dated 25-6-1991:

"Whether the action of the management of Central Bank of India in imposing the penalty of stoppage of one increment of Sh. A.L. Dhamankar, Clerk is justified? If not to what relief is the workman entitled?"

2. Shri Dhamankar was working at the relevant time as a Clerk on the Establishment of Central Bank of India, at the Abhyankar Nagar Branch, Nagpur. While so working at the Regional Office, Nagpur as Clerk, on 29-8-1988, he was served with a memo requiring him to submit his explanation within 7 days. On 5-8-1988, by reply he denied the charges and on 18-10-1988, he was served with a charge sheet alleging that he was trying to defraud the Bank by issuing receipt of six stationery items supplied by Messrs. Forward Stationers and Printers, to draw undue pecuniary benefits. His conduct therefore, was prejudicial to the interest of the Bank. This amounted to misconduct under clause 19.5(i) of the Bipartite Settlement dated 19-10-1966 as amended upto date. The reply was received on 21-11-1988. The Enquiry Committee constituted found him not guilty of the charges levelled against him, however, the Disciplinary Authority disagreed with the findings and gave him a notice calling upon him to show cause, why he should not be held guilty of the charges levelled against him and action taken against him. He was accordingly found guilty by the Disciplinary Authority, and the impugned order came to be passed.

3. He contended that, he was not given the assistance of a lawyer in the departmental enquiry and that violated the principles of natural justice. He also contended that he was not supplied with the relevant documents. He further contends that action was taken against him by way of victimisation for his Trade Union Activities. His appeal also failed. His grievance is that there is no provision under which the Disciplinary Authority can substitute its own findings for the findings of the Enquiry Committee. Therefore, the contention is, that, the action is by way of victimisation for his trade union activities, and ultimately prayed for quashing of the order and directing payment of the arrears alongwith interest at the rate of 18 per cent per annum on the arrears.

4. Written statement has been filed on behalf of the Bank management. Its contention is that there was no case of victimisation, there was no breach of principles of natural justice. For the misconduct committed, departmental proceedings were initiated, he was given enough opportunity to defend himself and after the findings of the Enquiry Committee were examined, the Disciplinary Authority disagreed with the conclusion arrived at by the Enquiry Committee and held him guilty after giving him show cause notice and a personal hearing. The charge was grave enough for justifying the order which was passed by the Disciplinary Authority for the reasons mentioned therein in support. The prayer therefore, is, that the workman is not entitled to any relief.

5. I have heard the learned counsel appearing on behalf of the union, which has espoused the case of the workman, and there was no appearance on behalf of the Bank on the dates on which the matter was fixed for argument, i.e. 1-10-1993, and 18-2-1994.

6. The admitted position is that, Shri Dhamankar was working as a Clerk at the relevant time at the Regional Office, Nagpur. He was supposed to be receiving stationery items and it was found that he acknowledged receipt of six stationery items which in fact were admittedly not received by the Bank from Messrs. Forward Stationers and Printers. As a result of this he was chargedsheeted and enquiry was held against him. From the papers of enquiry, produced on record, it is seen, that the statement of Shri Venkataraman was recorded. Venkataraman's evidence has been stated in details in the findings recorded by the Enquiry Officer Shri Deshmukh. During the course of the evidence, he stated that, Shri Dhamankar approached him with two delivery challans bearing Nos. 4487 & 4488 on 12-4-1988 (Exh.M-4 and M5), and asked him to sign the delivery Memos, stating that the material has been received. Venkataraman found that the articles were not at all supplied by the printers, and this fact was admitted by Shri Dhamankar in the presence of Shri A.B. Deshpande and Mr. Radhakrishnan. Shri Venkataraman further stated that he made endorsement on the two documents that, "All the items are not received". In fact the position that these items were not received is not at all disputed by Shri Dhamankar. Shri Venkataraman has been given a graphic description of what happened on that day. The Enquiry Officer however, did not rely upon this evidence given by Sh. Venkataraman and assigned some reasons for not doing so. The Disciplinary Authority considered the entire evidence that was given by Shri Venkataraman, considered the reasons which prompted the Enquiry Officer not to act on the evidence, and gave reasons for disagreeing with the findings of the Enquiry Officer. It is seen in these circumstances, that the disciplinary Authority came to the conclusion that the charge has been proved and that the Disciplinary Authority not only considered the oral evidence, but also other documentary evidence and the findings of the Enquiry Committee.

7. The learned counsel appearing on behalf of the workmen submitted that the Disciplinary Authority had no power under the provisions of the Bipartite Settlements to substitute its own findings for that of the Enquiry Committee. He relied upon Chapter XIX of the first Bipartite Settlement dated 16-10-1966, to submit that there was no such provision. It is not necessary to have such a provision. It is the Disciplinary Authority which has the power find out whether the delinquent is guilty or not and impose a penalty if found guilty. For finding out whether he is guilty or not, the Disciplinary Authority may itself enquire into the charges or assign that task to a committee or an officer appointed by the Disciplinary Authority, and such committee or officer may collect the necessary material in the form of oral and/or documentary evidence and arrive at conclusion. The findings are to be communicated to the Disciplinary Authority and it is ultimately for the Disciplinary Authority to accept or to reject the findings of the Enquiry Committee. The Disciplinary Authority cannot be said to be bound by the findings of the Enquiry Committee, be that they are in favour of the delinquent or against him. I am, therefore, unable to agree with the submission made on behalf of the workman, that absence of such a provision vitiated the order passed by the Disciplinary Authority and that the Disciplinary Authority could have at the most directed further enquiry. I do not find any force in that part of the submission also. In my opinion, the findings of the Enquiry Committee are not binding on the Disciplinary Authority. After examining the entire material recorded by the Enquiry Committee, the findings and the reasons given in support of the findings by the Enquiry Officer, the Disciplinary Authority came to this conclusion. It is not necessary to state that this Tribunal could not sit in appeal over the decision of the Disciplinary Authority. One can surely see that while awarding the penalty, the Disciplinary Authority had followed the principles of natural justice and the relevant rules governing the Disciplinary Authority as envisaged by the Bipartite Settlement, and it has imposed the penalty which is proportionate to the gravity of the charge levelled against the delinquent. There is an appeal presented by the delinquent to the Appellate Authority, and the Appellate Authority also agreed with the Disciplinary Authority,

8. There is no other point urged on behalf of the delinquent, and therefore, I am of the view that the penalty of stoppage of one increment imposed on the delinquent is justified in the circumstances.

Award accordingly with no order as to costs.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 23 मार्च, 1994

का. आ. 976.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, एल. आई. सी. आफ हिंदिया के प्रबंधसंबंध के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण नं. 1. बंदू के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-3-94 की प्राप्त हुआ था।

[संख्या एस-17011/4/88-डी-4(ए)/आई. आर. (बी-2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 23rd March, 1994

S.O. 976.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay-I as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 23-3-1994.

[No. L-17011/4/88-D.4(A)/IR(B.II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-2 of 1989

PARTIES:

Employers in relation to the management of Life Insurance Corporation of India.

AND

Their workmen.

APPEARANCES:

For the Management: Shri Ramachandran, Personnel Officer.

For the Western Zone Insurance Employees' Association: Shri A. S. Deo, General Secretary.

For the National Organisation of Insurance Workers' (BMS): Shri M. P. Patwardhan, Resident Secretary.

INDUSTRY: Insurance. STATE: Maharashtra.

Bombay, dated the 7th day of March, 1994

AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour under Section 10(1)(d) of the Industrial Disputes Act, 1947:

"Whether the action of the management of Life Insurance Corporation of India, in relation to its Aurangabad Division in not making the payment of city compensatory allowance @ 6 per cent with effect from 10th August, 1986 even though the population has crossed the limit of 5 lacs of the Municipal Corporation of Aurangabad to the employees living in the area of Municipal Corporation of Aurangabad is justified? If not, to what relief the workmen are entitled to?"

2. Statement of claim has been filed on behalf of the workmen by the National Organisation of Insurance Workers' (B.M.S.). It is stated therein that the population of Aurangabad City being less than 5 lacs, the employees working in Aurangabad city, in Aurangabad division of the Life Insurance Corporation of India were not entitled to City Compensatory Allowance (hereinafter referred to as CCA) in terms of rule 10 of the provisions of the terms and conditions of service rules 1985. The Union contends that the population of Aurangabad city was more than 5 lakhs in August 1986, and the District Collector issued a certificate certifying that the population is 5,07,500. This being not disputed on behalf of the LIC Management, the Union states that the Workmen are entitled to the CCA as provided under rule 10, the employees being class III and class IV category. However, the Management did not accede to the demand of the employees and the conciliation failed and therefore the present reference.

3. It is stated in the statement of claim itself that the management maintained that it is not the Collector's Certificate, but the Census Figures which are the governing factors as per the note appended to rule 10. The Union also stated that there was no provision in the existing rule which prevented the Management from getting the rules amended from the Government of India and to remove the injustice done to the employees. It has also been stated that the ceiling on total emoluments has been removed subsequently by the Management in spite of the provisions in the relevant rules.

4. The Management filed written statement and thereby denied that the claim of the employees was justified. It is contended in short, that, the note, which is a part of rule provided that:

"For the purpose of this rule, the population figures shall be those in the 1981 census figures" and since the census figures of 1981 showed that the population of Aurangabad Urban Agglomeration was only 3,16,421, the employees under class III and IV were not entitled to CCA as provided by the Rules."

This is the principal contention and it is on this pleading the matter will have to be mainly adjudicated upon. I may mention that rejoinders have been filed on behalf of the Management and the Union.

5. I have heard Shri A. S. Deo on behalf of the Employees and Shri Ramachandran on behalf of the Corporation. Written submissions have also been made.

6. In my view the principal point for adjudication is, whether the employees are entitled to CCA and the Management's refusal to give them that benefit is justified. Rule 10 reads thus:

"10. City Compensatory Allowance.—The scale of CCA payable to Class III and Class IV employees shall be as under:—

Place of posting	Rate	Min- imum	Maxi- mum
(a) Cities with population exceeding 12 lacs and Urban Agglomeration of Panaji & Mormugao.	Class III 10 % of Basic Pay Class IV 8 % of Basic Pay	Rs. 65	Rs. 140
(b) Cities with population of 5 lacs and above but not exceeding 12 lacs, state capitals, with population not exceeding 12 lacs and Chandigarh, Pondicherry and Port Blair.	Class I 6 % of Basic Pay Class IV 4-1/2 % of Basic Pay	Rs. 45	Rs. 90
		Rs. 30	Rs. 35

NOTE.—For the purpose of this rule, the population figures shall be those in the 1981 Census Report."

It is clear therefrom that the Scales of CCA payable to Class III and Class IV employees are divided into two categories, category (a) covering cities with population exceeding 12 lacs and Urban Agglomerations of Panaji and Mormugao, and under class (b) cities with population of 5 lacs and above but not exceeding 12 lacs, State Capitals with a population not exceeding 12 lacs, and Chandigarh, Pondicherry, and Port Blair. The Note below this rule is to this effect:

"For the purpose of this rule, the figures shall be those in the 1981 Census Report."

This notification of Ministry of Finance, Department of Economic Affairs is of 11-4-1985, and therefore, the latest census figures that were then available was of the year 1981. The Employees' Contention is that, in the year 1986, as per the certificate of the Collector of Aurangabad, dated 19-8-1986, Exhibit 'C' population rose to 5,07,230, and it is addressed to the Senior Divisional Manager LIC Aurangabad. Reference in letter reads the population of Aurangabad City and its close centres. The Collector replied that; "with reference to your letter it is informed that the projected population of Aurangabad City including the MIDC Industrial Area and the Cantonment Area is, 5,07,230." It is on the basis of this, that the Union claims that it exceeded 5 lacs and therefore, they are entitled to CCA as provided by Rule 10.

7. In the first instance, Mr. Ramachandran on behalf of the Corporation submitted that the letter showed that it is the projected population of Aurangabad City and one does not know what is meant by projected. He further stated that it is inclusive of the Cantonment and the MIDC Industrial Area. The submission therefore, is, that it is the population of the cities that has to be taken into account and under clause (a) of rule 10, Urban Agglomeration of Panaji and Mormugao is specifically mentioned and under clause (b), state capitals with population not exceeding 12 lacs and Chandigarh, Pondicherry, and Port Blair are specifically mentioned. The argument is that, such being not the position with regard to Aurangabad, it will not be allowed to include the population of the Cantonment limits, while stating the population of the **Aurangabad Corporation**. **Apart from this, he submits that** the material to be considered for arriving at the population has figure is, the census figure of 1981 and not the Collector's certificate, as the Note under Rule 10, clearly indicated. There is in my opinion, considerable force in this aspects of the argument. Under the Rule making powers given to it, by section 48 of the Life Insurance Corporations Act, 1956, the Central Government had the power to make rules for carrying out the Corporation's activities, and clause (cc) provided for the terms and conditions of service of the employees and staff of the Corporation. He also pointed out that, later, after the 1991 Census, necessary amendments have been made and the note now reads as 1991 census figures instead of 1981 census figures. That amendment is dated 2-2-1994. He contended that after this notification, the employees are entitled to the CCA as per Rule 10. He continued to argue, that they will not be justified in asking for it, nor the Management will be permitted to pay the CCA when the population figures showed that it was not 5 lacs. I may mention here that, while making the rules provision for Dearness Allowance is made, and while doing so, the rule making authority provided for figures of the Dearness Allowance depending upon the All India Average Consumer Price Index. In that case it was permissible, nay obligatory for the Management to make payment of increased Dearness Allowance. Such provision is not to be found under Rule 10, and therefore, the demand that

is made is in my view not justified. The employees have according to them, lost the benefit for the intervening period between 1986 and 1991, but that grievance cannot be redressed by this Tribunal in view of the Service Conditions, provision for which is made by this Rules.

8. Mr. Deo on behalf of the Union submitted that the employees working in Gurgaon are entitled to CCA, though it is not having a population of five lacs. That is not because of the population, but, because of the specific mentioning of that place as in the case of Pondicherry, Chandigarh, and Port Blair in clause (b) and the Urban Agglomeration of Panaji and Mormugao under clause (a). The Rule framing authority has thought it fit to do so, and it is not for this Tribunal to examine the wisdom behind it being has one of the service conditions of the employees working therein. It is also to be found in Rule 11, which provides for Hill Allowance, wherein it is stated under clause (ii) that "(ii)..... and at places which are specifically declared as Hill Stations by the Central/State Governments for their employees."

9. I may mention that Shri Ramachandran submitted further, that in view of the provisions of Rule 20, the reference is incompetent. Rule 20 reads thus :

"When any difficulty arises as to the interpretation of the said Rules, it shall be referred to the Central Government for its decision."

His argument is, that the Central Government is the only authority which could interpret the rule. I am unable to accept this submission. Reference was made to the Central Government, and the Central Government has thought fit to refer this dispute between the employees and the Management of LIC to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Dispute Act, 1947. He also submitted that the overriding provision of Sub-section 2(b) of Section 48 of the Life Insurance Corporation's Act, 1956 have to be taken into account. That provided under the clause (cc) of Sub-section 2(b) and the Rules made under clause (cc) of the aforesaid Act deal with the Service Conditions of the employees and the provisions of the Industrial Disputes Act, 1947, or any other award or settlement or any other law will have no application. I do not think that it is necessary for me to deal with this aspect of the argument for the purpose of disposing of this reference. Rule 10, as it is started earlier, came to be amended with effect from 11-4-1985 and is obviously prospective in operation. Subsequently the notification, copy of which is produced, and it is dated 2-2-1994 also says that the amendment made in 1994 would come into force on the date of its publication in the official gazette, and none of them have been given retrospective effect, and therefore, reference to Sub-section (2-c) of Section 48 of the LIC Act 1956 is in my view not called for.

10. In the end, I regret my inability to find in favour of the employees and give them any relief. Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 24 मार्च, 1994

का. आ. 977.—श्रीयोगिक विवाद अधिविधम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ बहोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में श्रीयोगिक अधिकारण सूत्र के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-3-94 को प्राप्त हुआ था।

संलग्न पात्र-12011/63/91-प्राई आर (वी-2)]

वी. के. शर्मा, ईस्क प्रधिकारी

New Delhi, the 24th March, 1994

S.O. 977.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, SURAT as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BANK OF BARODA and their workmen, which was received by the Central Government on 23-3-94.

[No. L-2011/63/91 IR(B-1)]

V. K. SHARMA, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL SURAT

Present :

Shri E. B. Dumasia, Member.

Reference (ITC) No. 2 of 1992

First Party :

Regional Manager,
Bank of Baroda, Tithal Road,
Valsad, Pin Code No. 396 001,
Valsad District, Gujarat State,
India.

V/s.

Second Party :

All India Bank of Baroda,
Employees Union,
Room No. 27, First Floor,
97/B, Cawasji Patel Street,
Fort Bombay-400 001.

Reference u/s 10(1)(d) read with the Proviso No. 3, Industrial Disputes Act, 1947.

Appearance :

For 1st Party Shri K. N. Trivedi, Senior Manager,
(Personnel) Bank of Baroda, South Gujarat Zone,
For 2nd Party Shri S.O. Bambhorikar, Zonal Secretary All India Bank of Baroda Employees' Union.

AWARD

(2) The Government of India, Ministry of Labour, New Delhi, has made reference, to this Tribunal, U/s. 10(1)(d) read with proviso 3 of the Industrial Disputes Act, 1947, for adjudication of the following Industrial Dispute, specified in schedule, of order bearing no. L-2011/63/91-I.R. L-2 dt 26-03-1992.

"Whether the demand of All India Bank of Baroda Employees' Union Bombay, for restoration of H.R.A. and not to affect recovery w.e.f. January, 1990, at the Chanod Branch, within the G.I.D.C. Notified area of Vapi, is justified and legal ? If so, what further directions are necessary in the matter?"

(2) The Zonal Secretary, All India Bank of Baroda Employees' Union, Bombay, raising an industrial dispute in his application dated 20-7-91, to Asstt. Labour Commissioner (Central) Ahmedabad, contended that the Bank of Baroda, in violation of provisions of Sec 9A of the Industrial Disputes Act 1947, and terms and conditions of Bipartite settlement, has reduced the House Rent Allowance of the Chanod branch. During the conciliation proceedings before the Asstt. Labour Commissioner (Central) A'bad, the efforts failed to resolve/settle the dispute hence on his report dated 28-10-91 to the Govt. of India Ministry of Labour, New Delhi, this reference is made.

(3) The Union has filed the statement of Claim at Ex. 7. The Bank filed written statement at Ex. 12. Thereafter The union filed Rejoinder statement of claim at Ex. 13 stating denials to the plea advanced by Bank in the W.S.

The case of the Union, so far as present dispute is concerned, is that the Bank have three branches in Vapi Notified Area, one of them is called Chanod branch. Since the opening, the employees appointed in all three branches, were paid H.R.A. uniformly, at the rate at which it was paid to the employees of Vapi Town Branch, always considering all three branches, of notified Area as part & parcel of Vapi Town, resulting the rate of H.R.A. identical. Employees Shri J. V Joshi & V. D. Vansia of Char Rasta, Indus. Estate Branch Vapi and Shri S. M. Patel of 3rd. Phase Indus. Estate Branch Vapi, were transferred & Posted at Chanod branch of Industrial Estate Vapi, on whose representation to the Union, the fact was known by the Union that w.e.f. Jan. 90, the Bank had reduced H.R.A. of Chanod Branch, from 8 per cent to 6-1/2 per cent. According to the Union, the payment of H.R.A. is governed by Bipartite settlements, from time to time, and as per prevailing customs & usages, existed since inception of the branches. As such, H.R.A. was paid to employees of all the said three branches, of Vapi Notified Area, at the same rate allowed to employees of Vapi Town Branch of the Bank. Therefore reduction of H.R.A. of Chanod Branch from 8 per cent to 6-1/2 per cent, without following procedure laid down in sec. 9A, of the Industrial Disputes Act, 1947, is illegal and without any authority. Replying the Bank's contention regarding non-tenability of reference, the Union has pleaded that the Central Govt. is competent to make reference to this Tribunal, which is quite competent to entertain the reference & adjudicate the question referred to. The prayer of the union is for passing orders directing the Bank to restore H.R.A. at 8 per cent, not to effect recovery from Jan. 1990 and if already recovered to refund with interest, etc. etc.

(5) The Bank in W.S. Ex-12 have taken a technical contention that the question involved is regarding the interpretation of the Rules and Regulations as well the provisions made in Bipartite Agreement/ settlement for payment of H.R.A. and hence the reference being had in law is not entertainable. On factual aspects, the Bank admitted the existence of Chanod Branch in the G.I.D.C. Notified area as well their branch of Vapi Town also. However, the Bank has pleaded that Vapi Town area and Vapi G.I.D.C. Notified area are two quite separate and district area for purpose of calculating the rate of H.R.A. It is also admitted by Bank that provisions are made in Bipartite settlement for payment of H.R.A. which terms and conditions are binding to them as well to the employees. It is pleaded that the population of Vapi Industrial Notified Area, as per 1981 Census is 6147. Clause (iv) of Annexure IV of Bipartite settlement dtd. 23-2-89 stipulates rate of H.R.A. at 6-1/2 per cent at places with population of less than 10,000. Clause 7 of Annexure III of Bipartite settlement dtd. 8-9-1983 stipulates the figures to be considered of 1981 census and recalculation thereof. It is pleaded by the Bank that as such right from inception the rate of H.R.A. of Chanod Branch was required to be fixed of 6-1/2 per cent but through mistake only, it was wrongly paid w.e.f. 1-7-1983 at the rate of 8 per cent. At the subsequent date the mistake came to light, which was rectified and w.e.f. 1-1-1990 H.R.A. was paid at correct rate of 6-1/2 per cent. It is contended by the Bank that said action of the Bank is perfectly in tune with the provisions of Bipartite settlement, which are binding to both the parties, and in fact the Bank was bound to rectify the mistake which is rectified and hence the action of Bank is perfectly legal proper and bona fide. It is contended that under the circumstances, there is no question of involvement of term "Reduction", it is not reduction at all and that being. So provisions of Sec. 9A, of the Industrial Disputes Act, do not come into play and question of non-follow & thereby violation of said

provisions, does not arise at all. All averments of the Union to the extent of, payment of H.R.A. in notified Area Branch at the rate allowed in Vapi Town Branch, considering all three branches of notified Area as part & parcel of Vapi town, resulting identical rate of H.R.A. etc. etc. are denied in toto. The case of Union of infringement of the prevailing customs & usage is also denied. Ultimately it is prayed to reject the reference.

- (6) The Union in statement of claim Ex. 7, have narrated the making & disposal of previous claims before the Asstt. Labour Commissioner (Central) 'A' bad and have also stated regarding the Rural, Semi-Urban and Urban area consideration, however apart from the refutation of same by Bank in W.S., in my humble view they are not relevant for purpose of adjudicating the controversial question between the parties & hence the plea of union & the refutation by Bank are not narrated in details, at all.
- (7) Either party has not lead any oral evidence but both parties have produced documentary evidence in support of their relevant case.
- (8) I have gone through the papers on record and have heard oral arguments of the union I have also gone through written arguments at Ex-20 of the Bank & the rejoinder written arguments Ex-21 of Union :
- (9) Following issues arise for my determination, in this reference
 - (1) Whether the action of the Bank in reducing rate of H.R.A. from 8 per cent to 6-1/2 per cent of Chanod Branch, amounts to change in condition of service ?
 - (2) If so, whether the provisions of Sec. 9-A, Industrial disputes Act, are attracted ?
 - (3) Whether the demand of the Union for restoration of H.R.A. and not to effect the recovery w.e.f. Jan. 1990, at Chanod Branch within G.I.D.C. Notified area of Vapi, is justified and legal ?
 - (4) If so, whether any directions are required to be given to the Bank ?
 - (5) Whether the reference is bad in law ?
 - (6) What order ?
- (10) For reasons stated below, the answer to above issues are as under :
 1. In the negative
 2. In the negative
 3. In the negative
 4. In the negative
 5. In the negative
 6. As per final order.

(11) Issue Nos. 1 to 4 :

The following facts are admitted one and there is no dispute regarding the same :

- (1) Chanod Branch is situated within Vapi G.I.D.C. Notified Area.
- (2) Bipartite settlements exist, are in force and binding to both the parties.
- (3) H.R.A. rate is stipulated in Bipartite settlement according to which payment is to be made.
- (4) There is bank branch in Vapi Town area also.

(12) The controversy between the parties is as under.

(13) According to Union right from inception of branches in Vapi G.I.D.C. Notified area, the bank had allowed

H.R.A. of these branches, at the same rate allowed to Vapi town Branch. Meaning thereby that town area and notified area are not treated separate but are treated as one unit and therefore same rate of H.R.A. It also means that even if they are taken as two district area, as identical rate is adopted and continued for years & together, it has become usage and customs and any change there in attracts the provisions of Sec. 9-A of the Industrial Disputes Act 1947. Bank has denied this contention and has pleaded rectification of innocent mistake.

- (14) Clause 4.4 of Annexure-VI of Bipartite settlement dated 7-9-1984 at Mk. 12/2 stipulates rate of H.R.A. at 6 per cent at places with population of less than 10000. Clause-7(iv) of Annexure-IV of Bipartite settlement dtd. 25-2-89 at Mk. 12/3 stipulates rate of H.R.A. at 6-1/2 per cent at places with population of less than 10000. Clause 7 of Annexure III of Bipartite settlement dated : 8-9-1983 Mk. 12/4 reveals that for purpose of population figures, reliance is to be placed upon 1981 census, and the H.R.A. rate is required to be recalculated letter dtd. 13-12-89 of notified area officer, G.I.D.C. Vapi Mk. 12/1, reveals population of G.I.D.C. Notified area as 6147 as per 1981 census. Extract of census report 1981 at Mk. 17/1 also reveals this figure.
- (15) In view of above documentary evidence, it is absolutely clear that as per 1981 census the population of Vapi G.I.D.C. Notified area is 6147 and thus less than 10,000 and hence H.R.A. for Chanod branch situated in this area, as per above stated Bipartite settlement, would come to 6-1/2 per cent rate. The question arises as to whether, irrespective of above clear cut position, would Bank allow H.R.A. of higher rate viz. 8 per cent which rate H.R.A. was allowed to the branch at Vapi town area ? There does not appear any cognisant reason, much less any reason, what so ever, for such gratitude. Union has not been able to pin point, any authority, vested with the competent Bank officer, by Bank management, to show such gratitude, irrespective of specific binding mandate in Bipartite settlement. No doubt no objection was raised either by the Regional office or the Head office for such a long duration, for payment of H.R.A. at the higher rate but it appears that mistake committed at lower level continued at the higher level also but as soon as the mistake came to light, immediate action is taken to rectify the same.
- (16) In view of above, it is absolutely clear that the Bank in the beginning committed an error in fixing rate of H.R.A. of Chanod branch at 8 per cent and immediately on knowing the mistake action is taken to rectify the same. The mistake appears to be an innocent one and the action to rectify the mistake is also genuine.
- (17) In rejoinder written arguments Ex. 21, the Union has tried to argue on theory of agglomeration viz. that the Vapi G.I.D.C. Notified area is the area of agglomeration of Vapi Township area. A different provision exists in Bipartite settlement for agglomeration area, which the Bank is concealing and only harping on H.R.A. of areas of smaller places on population, attempt is made to argue that provisions of H.R.A. in agglomeration area should apply.
- (18) Now for the first time in Rejoinder written arguments Ex-21 the Union has tried to argue on theory of agglomeration area, which is absolutely a new plea. It could have been taken right from the beginning when the statement of claim Ex-7 was filed. In that case the Bank would have received an opportunity to advance their case and lead evidence, when no plea is advanced in W.S. & for the first absolutely new plea is advanced, the same does not carry any weight and deserves to be ignored.
- (19) As the mistake is found to be un-innocent one and as bank's action to rectify the mistake also is found to be genuine one, there is no question at all of effecting any change in condition of service in respect of the matter specified in Third schedule viz. item no. 2 allowance i.e. H.R.A. and that being so

the Provisions of sec. 9-A of the Indus. Disputes Act, 1947 are not attracted.

(20) Reliance is placed by the Union on certain Authorities with regard to following of the procedure of sec. 9-A being must event of effecting any change in condition of service. However as there is no question of effecting any change in condition of service, these authorities are of no avail to the Union.

(21) For above reasons the demand of the union for restoration of H.R.A. and not to effect the recovery w.e.f. January 1990 at Chanod Branch is not justified.

(22) The answer to issues no. 1 to 4 therefore comes in negative.

(23) Issue No. 5.—The Bank have taken a contention that the question involved is regarding the interpretation of Rules & Regulations as well of Bipartite settlement for payment of H.R.A. and hence the reference is bad in law.

(24) Now as a matter of fact the question is not regarding the interpretation of the provision of Bipartite settlement but question involved is which mode was adopted viz. that whether particular provision was taken into consideration and if so whether there was error in calculating rate of H.R.A. or that irrespective of existence of the specific provision some other method was considered. In short the question involved is as to whether there was innocent mistake or that the action was deliberate without any mistake at all.

(25) In view of above the said contention of Bank does not stand and answer to issue No. 5 comes in negative.

(26) Issue No. : 6
Hence reference fails costs goes with the cause. I therefore pass the following order.

ORDR

This reference is rejected.

The All India Bank of Baroda Employees' Union, Bombay, to bear their own costs of this reference and to pay the costs of Rs. 500/- (Rupees five hundred only) to the Regional Manager, Bank of Baroda, Tithal Road, Valsad.

E. B. DUMASIA, Member
Industrial Tribunal, Surat.

PLACE : SURAT.
Date : 07-01-1994.

नई दिल्ली, 24 मार्च, 1994

का. आ. 978.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार और अपने वड़ीवा के प्रबन्धन के संबंध नियोजकों और उनके कमंकरों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद औद्योगिक अधिकरण सूत्र के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-3-94 को प्राप्त हुआ था।

[संख्या एल. -12011/74/91-ग्राइ. आर. (बी-2)]
वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 24th March, 1994

S.O. 978.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Surat as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BANK OF BARODA and their workmen, which was received by the Central Government on 23-3-1994.

[No. L-12011/74/91 IR (B-II)]
V. K. SHARMA, Desk Officer.

ANNEXURE
Before The Industrial Tribunal Surat.
Present :—Shri E. B. Dumasia Member.
Reference (I T C) No. 3 of 1992
First Party :—The Regional Manager,

Bunk of Baroda, Tithal Road,
Valsad, Pin Code—396001,
Valsad District, Gujarat State,
India.

V/s.

Second Party :—All India Bank of Baroda Employees' Union,
Room No. 27, 1st Floor, 9/B, Cawasji Patel Street,
Fort, Bombay—400001.
Reference U/s. 10(1)(d) r/w the proviso No. 3 of
Industrial Disputes Act, 1947.

Appearance :—

For 1st Party :—Shri K. M. Trivedi, Senior Manager
(Personnel), Bank of Baroda, South Gujarat Zone.

For 2nd Party :—Shri S.O. Bambhorikar, Zonal Secretary, All
India Bank of Baroda Employees' Union.

AWARD

(1) The Government of India, Ministry of Labour, New Delhi, has made this reference to this Tribunal, U/s. 10(1)(d) read with Proviso No. 3 of The Industrial Disputes Act, 1947, for adjudication of the following Industrial Dispute, specified in schedule, of order bearing No. L-12011/74/91-I.R. (B-2) dated 10-4-92.

“Whether the action of The Bank of Baroda, Bulsar through the Regional Manager and its officers, in assigning the work of Accounting Machine Operator, to Shri D. D. Sheth, Cash Clerk-cum-Typist, having worked in the Accounts Section for more than one year and thereafter withdrawing the same and giving it to his junior, is justified and legal? If not, to what relief the workman is entitled and what directions are necessary in the matter?”

(2) The zonal secretary of All India Bank of Baroda Employees' Union, Bombay, vide application dated 16-5-1991, to Asstt. Labour Commissioner (Central) Ahmedabad raised an industrial dispute that the action of Bank of Baroda, in withdrawing the duties as Machine Operator, of Shri D. D. Sheth, employee of Vapi G.I.D.C. IIIrd phase Branch, is illegal, unjust & amounting to unfair Labour Practice. The efforts of The Asstt. Labour Commissioner (Central) Ahmedabad during conciliation proceedings, to resolve the dispute, failed. He made the report dated 28/29-11-1991 to the Govt. of India, Ministry of Labour, New Delhi, and hence this reference is made.

(3) The statement of claim, of Union, is at Ex. 7. The written statement of the Bank is at Ex. 12. The Union has also filed Rejoinder statement of claim at Ex. 13, denying the contentions of the Bank in their W.S. Ex. 12.

(4) The Union in their statement of claim Ex. 7 & rejoinder statement of claim Ex. 13, have advanced the plea that employee Shri D. D. Sheth was appointed vide appointment letter dt. 15-7-82, whereby though designation given was “Cash Clerk-cum-Typist”, yet he worked for about seven years a clerk in accounts department. The condition in appointment letter regarding duties, also include “other clerical duties as may be given from time to time” and hence he was assigned clerical duties in accounts dept. Thereafter vide letter dated 27-9-1990 he was also assigned additional duties/functions of “Machine Operator”, for which special allowance was granted. Shri D. D. Sheth carried out this additional duties, however vide letter dated 6-2-1991 he was informed that this assignment was purely on temporary basis. Not only this but thereafter Bank vide letter dated 26-2-1991 withdraw the said assignment declaring him not eligible to get said assignment. The Union has contended that said action on part of Bank is unfair labour practice, as Shri D. D. Sheth was given said assignment for his working for about 6 to 7 years as clerk

in accounts department which assignment was in tune with the said condition enumerated in appointment letter. Case of Union is that the Bank's action to sit tight on the designation "Cash Clerk-cum-Typist" to declare him not eligible, is illegal & improper and as a matter of fact relevance is the type of work he has performed. Reliance is placed on statement of Bank in conciliation proceedings under Reference No. SGZ/B & D/STF/5 dated 17-5-1991. The Union have denied the case of The Bank that said assignment was given through mistake as was not eligible at all & moment mistake came to light it is rectified by declaring him not eligible ultimately. The Union have prayed for the orders to treat Shri D. D. Sheth as Machine Operator with all consequential benefits quashing Bank's both letters dated 6-2-1991 & 26-2-1991.

(5) The Bank have filed their W.S. Ex. 12 and inter alia contended that Shri D. D. Sheth was appointed as "Cash Clerk-cum-Typist" vide appointment letter dated 17-7-1982, whose duties include the work of cash department such as receipts & payments of cash & dealing with cash etc., which duties were already been specified in appointment letter. Certain Norms for Selection of Accounting Machine Operators have been prescribed. As per terms of settlement & circular dated 18-5-1976, all clerks/clerk-cum-typist/accounts clerk-cum-cash clerks, who have been working in account section for minimum period of one year may be considered eligible for assignment of duties of accounting Machine Operator. Terms of settlement are binding to the Bank as well as the employees. As per said Norms Shri D. D. Sheth was not eligible & hence due to mistake the work was assigned and when mistake came to light the same is rectified, there is no question of withdrawal of any legitimate benefits, and nor is any question of service of unfair Labour Practice. Bank has also taken a technical contention that the dispute is regarding interpretation of the Rules & Regulations, Circulars and/or settlement and hence reference is not legally tenable. Ultimately the Bank has prayed to reject the reference.

(6) Union have examined Shri N. H. Dave at Ex. 20 and have produced certain documents with list of documents.

(7) The Bank have examined Shri P. R. Mehta at Ex. 27 and have produced certain documents with list of documents.

(8) Joint Inspection Report with regard to nature of work performed by Shri D. D. Sheth for period from 21-7-1982 to 9-6-1984 is produced at Ex. 19.

(9) I have read papers on record and have considered arguments of both parties. Union have advanced oral arguments. Bank have submitted written arguments at Ex. 29 and Union have also submitted Rejoinder written arguments at Ex. 30.

(10) Following issues arise for my determination in this reference.

1. Whether Shri D. D. Sheth was eligible for assignment of work of "Machine Operator"?
2. If so, whether the action of Bank in first assigning the said work and then declaring him not eligible amounts to unfair Labour Practice?
3. Whether assignment of said work to Shri D. D. Sheth was due to mistake on part of Bank?
4. If so, whether subsequent declaring him in eligible by Bank is an innocent act of rectification of mistake?
5. If so, whether the action of Bank in withdrawing the said work is justified & legal?
6. Whether the reference is not tenable?
7. What order?

(11) For reasons given below my findings are as under:

1. In the negative.
2. In the negative.
3. In the affirmative.

4. In the affirmative.
5. In the affirmative.
6. In the negative. Reference is entertainable.
7. As per final order.

(12) Issues Nos. 1 to 5.

Union witness Shri N. H. Dave Ex. 20 has deposed that Cash Clerks Shri Ruwala, Shri Ghanshyam Shah and Shri P. P. Takkar are known to him. Shri Ruwala is now working as machine operator, Shri Shah had in past done the work of machine operator and Shri Thakkar is given the work of machine operator whenever concerned employee goes on leave. However in his cross examination he has admitted that he does not know as to on which post each was appointed. He also admitted on seeing appointment letter M. 23/1 of Shri P. P. Thakkar that his designation is casher/clerk which is quite different than designation he has given in examination in chief viz at as "cash-clerk". Suffice to say that he has no knowledge regarding the designation of either employee he has named and hence his evidence is of no avail to the union.

(13) Banks employee Shri P. R. Mehta Ex. 27 is Regional Manager who have given details of the designation of Shri D. D. Seth, the eligibility criteria for machine operator, work assigned to Shri D. D. Sheth through mistake and rectification of same when came to light. His oral evidence gets full support from documentary evidence.

(14) Appointment letters M. 12/1 at Shri D. D. Sheth reveals his designation as Cash clerk-cum-Typist. Nature of duties specified is the work of cash department, such as receipts & payments of cash and dealing with cash, attending to godowns, typing and other clerical duties as may be given from time to time.

(15) Circular issued on basis of settlement dated 18-5-1976 is at M. 12/6, which stipulates the Norms for selection Accounting machine operator reading as under.

"All clerks/clerk-cum-Typist/Accountants-clerk-cum-cash clerks who have been working in the Accounts section for minimum period of one year."

(16) The designation "cash clerk-cum-Typist" does not fall within the norms prescribed for machine operator. Each designation is separate & distinct. That being so, when settlement is arrived at and only particular designations are more eligible the employee not holding designation specified in settlement, is naturally not eligible. Shri D. D. Sheth holding designation of cash clerk-cum-Typist is not eligible for such assignment.

(17) Joint examination report M. 19/1 dated 4-2-1993 reveals that Shri D. D. Sheth has worked from 27-1-1982 to 9-6-1984, on various accounts departments, like savings, F.D.R., R.D., Remittance, Clearing Demand Draft etc. and he never worked in cash department during period on continuous basis.

(18) His appointment letter M. 12/1 clearly reveals his duties as work of cash department, (etc.) and other clerical duties. That being so he was required to perform clerical duties entrusted to him by his superiors. Hence his working in various above stated accounts department is quite natural and in normal routine manner. This fact does not change his designation and does not automatically make his eligible though eligibility norms do not permit.

(19) Union has placed reliance upon case of S. B. Kulkarni V. Indian Red Cross Society 1988 (56) F.L.R. 1104, (Bombay High Court). However this is the authority with regard to the work is of supervisory character or not. There it is held that nature of duties performed is to be examined and not only the designation. Facts, of authority are quite different. Ratio arrived at is also an quite different controversial issue viz. supervisory character or not. Hence this authority is of no avail to the union.

(20) Contention is also raised by union that Shri D. D. Sheth is eligible for more responsible and better remunerated higher post and that being so he can not be said to be ineligible for work of washed machine operator. However union witness Shri N. H. Dave Ex. 20 in his cross examination has

admitted in para 9 that as per Rules Shri D. D. Sheth was eligible for promotion to higher post.

(21) Thus when Rules permit eligibility for higher post, the employee may, on merits, as per Rules get promotion to higher post. However this is quite separate thing. Eligibility for promotion to higher post does not suo moto make eligible for separate and distinct work, that also an additional work and for which the separate and distinct norms are in existence.

(22) Bank witness Shri P. R. Mehta Ex. 27 in his cross at para 8 has admitted that on receipt of copy of letter from branch manager, he did not immediately draw his attention towards the mistake, that Shri D. D. Sheth though not eligible is assigned the work of Machine Operator.

(23) This is his admission but it is the case of Bank right from the beginning that moment mistake came to light it was rectified. Hence as bank branch manager committed mistake and it remained. So even in office of Regional Manager, till mistake was noticed and once noticed it was rectified. Hence time gap for period 27-8-1990 to 26-2-1991 in no way comes to help the case of union.

(24) During cross exam of Banks witness Shri P. R. Mehta Ex. 27, in para 9, union has tried to advance a new case that under pressure of another union, the Bank has withdrawn the assignment. Such plea is not advanced by union in W.S. Ex. 7 and Rejoinder W.S. Ex. 13. When there is no plea, the question of arising and adjudication of controversial issue does not arise and hence question of leading evidence also does not arise.

(25) Even otherwise bank witness Shri P. R. Mehta has denied this case of union. There is nothing on record regarding which is the other union, what rivalry exist between them and on what cause or ground other union pressed the Bank to withdraw assignment and to what extent the other union has the grip upon the Bank Management, to get the work done by pressure tactics. It appears that the union has tried to advance this new theory for sake of taking only, without any substance therein.

(26) For above reasons Shri D. D. Sheth was not at all eligible for work of machine operator, and his such assignment was due to mistake only. As per settlement, circular was issued for norms and Bank was under obligation to honour the mandate of the circular & hence the Bank was under equal obligation to rectify the mistake. The action of Bank in withdrawing the said assignment is absolutely innocent, proper, justifiable and legal. Hence answer to issues Nos. 1 and 2 comes in negative and of 3, 4 & 5 comes in affirmative.

(27) Issue No. 6.

The Bank has taken the contention that reference is had in law as the question involved is simply the interpretation of Rules & Regulations & condition of settlement.

(28) In fact the real dispute is, as to whether, as per existing Rules employee was treated to be eligible and thereafter exercising the unfair trade practice unduly & illegally his assignment was withdrawn or not. Hence there did exist the industrial dispute of this kind and not merely the interpretation of existing Rules & Regulations.

(29) Hence answer to issue No. 6 comes in negative as reference is entertainable.

(30) Issue No. 7.

For above reasons the reference fails. Costs goes with cause. Hence I pass following order.

This reference is rejected. The All India Bank of Baroda Employee's Union Bombay to hear their own costs of this reference and to pay to the Regional Manager, the Bank of Baroda, Tithal Road, Valsad, the costs of Rs. 500 (Rupees:

Five hundred only) of the reference.
Surat :

Dated : 7-1-1994.

E. B. DUMASIA, Member, Industrial Tribunal-Surat

नई दिल्ली, 29 मार्च, 1994

का. आ. 979.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब एण्ड सिध बैंक के प्रबंधरत्व से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अमृतसर में तिर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-94 को प्राप्त हुआ था।

[संख्या एस-12012/129/88-डी-2(ए)/प्राइ. आर. (बी-2)]

वी. के. शर्मा, इम्प्र अधिकारी

New Delhi, the 29th March, 1994

S.O. 979.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, CHANDIGARH as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of PUNJAB AND SIND BANK and their workmen, which was received by the Central Government on 25-3-1994.

[No. L-12012/129/88-D. II-A/IR (B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 100/88.

Harpal Singh Vs. Punjab and Sind Bank.

For the workman : Shri S. S. Bains.

For the management : Shri J. S. Bawa.

AWARD

Central Government vide Gazette Notification No. L-12012/1129/88-D.II(A), dated 9-12-1988 issued u/s 10(1) (d) of Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab and Sind Bank in terminating the services of Shri Harpal Singh is justified ? If not, to what relief is the workman entitled ?"

2. Case of the petitioner as set out in the statement of claim that he was appointed as peon w.e.f. 7-1-1986 in Punjab and Sind Bank Sector-17-C branch, Chandigarh. He continued working up to 1-10-1986. His services were illegally terminated by the management w.e.f. 2-10-1986. He had completed more than 240 days and as such the management has not complied it the provisions of Section 25-F of the Industrial Disputes Act, 1947 for having not paid retrenchment compensation and pay in lieu of notice. He was not afforded any opportunity before his termination from service. He was not served any charge sheet, his juniors have been retained and fresh hands were appointed after termination of his services. He thus sought, re-instatement with back wages on account of the violation of Section 25-F, G. and H of the Industrial Disputes Act, 1947.

3. The management in their written statement has taken preliminary objection that the petitioner had not completed 240 days of continuous employment to attain status of 'work

man'. On merits the plea of the management that the petitioner was engaged on 7-1-1986 against purely temporary nature of work. It was denied that he continuously employed from 7-1-1986 to 1-10-1986. It was also denied that his services were terminated on 2-10-1986. The plea of the management that there was no casual nature of work was available and therefore, his services are no more required. Other contentions were also denied. The management thus sought the dismissal of this reference.

4. Replication was also filed reasserting the same facts as claimed in the statement of claim.

5. The petitioner filed his affidavit Ex. W-1 in evidence. MW-1 Rajinder Singh Officer Pb, and Sind Bank is the management's witness. He filed his affidavit Ex. M-1. He also relied on the chart of number of days put in by the petitioner as Ex. M-2. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the petitioner has argued that the petitioner had completed 240 days in preceding 12 calendar months from the date of termination i.e. 2-10-1986 and the management has not complied with the provisions of Section 25-F of the Industrial Disputes Act, 1947 for not having paid the retrenchment compensation and pay in lieu of notice, therefore, he deserve re-instatement with back wages. On the contrary it has been argued on behalf of the management that the petitioner had only worked up to August, 1986 and thus has not completed 240 days. The management has also relied the salary bills of the petitioner Ex. M-2 in this respect. After perusing all the aspects the contention raised by the management is meritless. The plea that he had only worked up to August, 1986 in reference to salary bill Ex. M-2, no such stand has been taken by the management in the written statement that the petitioner had only worked up to August, 1986. Even in order to authenticate the said salary bill it has also not been suggested to the petitioner in cross-examination that he had only worked up to August, 1986. Secondly this salary bill Ex. M-2 runs contrary to the evidence adduced by the management. Ex. W-2 is the complaint made by one Paramjit Singh manager Punjab and Sind Bank against the petitioner dated 1-10-1986. MW-1 Rajinder Singh the management witness admits this complaint having made to the police against the petitioner by the respondent management. The relevant portion of the complaint is as follow :

"On 1-10-1986 Shri Harpal Singh fabricated the signatures of Miss Indira Chaudhary on a withdrawal slip and offered the same at the saving bank counter for getting the payment of Rs. 1500/- The withdrawal slip was filled by Shri Harpal Singh with his own handwriting."

The contents of the complaint itself implies the petitioner had been working with the management on 1-10-1986 otherwise had he not been working on the said date i.e. 1-10-1986 there was no occasion for him for fabricating the signatures of one Miss Indira Chaudhary as alleged by the management in the said complaint. The matter does not rest here. MW-1 Rajinder Singh the management's witness also admits in cross-examination that the petitioner was working as a peon on the date of the said complaint made on 1-10-1986. No doubt in answer to the suggestion made by the counsel for the petitioner he denied that the petitioner had worked up to October, 1986 but however in view of his earlier statement coupled with the complaint made by the branch manager against the petitioner it is established that the petitioner had worked with the respondent management up to 1-10-1986 and not up to August, 1986. Therefore, the period of employment is from January 7th, 1986 to 1-10-1986. During this period of 10 months he obviously completed more than 240 days.

Taking this case from another angle is for arguments sake the salary bill from January, 1986 to August, 1986 is to be admitted as true, it appears that in all 8 months from January, 1986 to August, 1986 in calculating the number of days put in by the petitioner, the management has not taken into account sundays and holidays because in many months, the petitioner has only counted to have worked for 28 days. Thus this itself establishes that Sundays and holidays are not 895 GI/94-9.

included. The same necessary to be added in view of the ratio of the judgement Workman of American Express International Banking Corporation Vs management of American Express International Banking Corporation reported in AIR, 1986 Supreme Court page 142.

8. Therefore, as discussed above the petitioner certainly has completed 240 days of continuous service during the period 7-1-1986 to 1-10-1986 as defined U/S 25-B of the Industrial Disputes Act, 1947 and therefore, he qualifies himself for the protection of Section 25-F of the Industrial Disputes Act, 1947. It was mandatory for the management to have served a notice or to have given the pay in lieu of notice and retrenchment compensation before terminating his services. However the management had not done so thus violates the provisions of Section 25-F of the Industrial Disputes Act, 1947.

9. In view of the discussion made in the earlier paras, the termination of the services of the petitioner is certainly illegal. He is thus ordered to be reinstated in service with all consequential benefits.

10. Coming to the issue of payment of back wages, there is no pleading, nor any proof that he was not gainfully employed in all these years. Further his affidavit is also salient to the fact that he was not gainfully employed. The management could only prove that the petitioner was gainfully employed in all these years provided the petitioner had pleaded that he remained unemployed. It has been held in Randhir Singh Vs. State of Punjab and other reported in 1993 (3) R.S.J. page 212 that where there are no pleadings and nor any proof that the petitioner was not gainfully employed for all these years, he is not entitled for back wages. Therefore, following the ratio laid down in Randhir Singh's case (supra) the petitioner is denied the back wages.

11. In a way reference is answered accordingly and returned to the Ministry.
Chandigarh.

ARVIND KUMAR, Presiding Officer

11-3-1994.

नई दिल्ली, 30 मार्च, 1994

का. आ. 980.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिं कोल निमि, की निवित्पुर कोलियरी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-94 को प्राप्त हुआ था।

[संघा-एल-20012/7/91-आई आर (कोल-I)]

वी. के. शर्मा, डैस्ट्र क्यू अधिकारी

New Delhi, the 30th March, 1994

S.O. 980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Nichitpur Colliery of M/s. BCCL and their workmen, which was received by the Central Government on 29-3-94

[No. L-20012/7/91-IR(Coal-I)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 46 of 1991

PARTIES :

Employers in relation to the management of Nichitpur Colliery of M/S. B.C.C Ltd,

AND

Their Workman

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers—Shri G. Prasad, Advocate.

For the Workmen—None.

STAFF : Bihar INDUSTRY : Coal.

Dated. the 21st March, 1994

AWARD

By Order No. L-20012/7/91-I R. (Coal-I) dated, the 15th April, 1991, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the

Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Nichitpur Colliery under State Area of M/S. BCCL in dismissing Sh. Khol Behra B.P. Ex-M' Loader vide their letter No. Ref. No. 1457/90 dated 26-4-90 is justified? If not, to what relief the workman is entitled?"

2. The workman, Khol Behra B.P. had filed written statement through the Vice President of United Coal Workers Union. It may be mentioned here that from the order of reference it appears that no Union had sponsored the dispute. Copy of the order of reference was ordered to be sent, by the Central Government in the Ministry of Labour, directly to the workman Khol Behra B.P., Miner/Loader, directing to file its statement with documents in the Tribunal.

3. As per written statement of the workman, he was working in Nichitpur Colliery as Miner/Loader without any complaint but the management issued a chargesheet dated 9-8-89 containing various allegations including of assault upon Sri R. K. Vidyarthi, the Manager and suspended him. Dissatisfied with the reply of the workman the management ordered a departmental enquiry and the enquiry was held against several workers including Sri Behra. In the written statement it has been claimed that the enquiry was neither fair nor proper and that the report of the Enquiry Committee was not based on evidence recorded.

4. After enquiry, order was passed for dismissal of this workman vide letter No. 1457/90 dated 26-4-90. It has been claimed that the workman is entitled to reinstatement with full back wages.

5. The management filed its written statement in which it has been alleged that the concerned workman, alongwith some others, was chargesheeted for certain misconduct, but his reply was not found to be satisfactory hence a "High Powered Enquiry Committee" was constituted. The enquiry was conducted in accordance with the principles of natural justice and was fair and proper. In the enquiry the workman was found guilty of the charge. On consideration of entire materials on record the workman was dismissed from service.

6. In the rejoinder the management has refuted the allegations of the workman.

7. A rejoinder was filed by the workman also.

8. It appears that the earlier representative of the workman had expired and since 14-9-92 none appeared on behalf of the workman. By order dated 29-12-93, notice was sent to the workman at his given address through registered post

A/D. The envelope containing notice was returned back by the Postal Department with the endorsement "refused".

9. Since there was no chance of obtaining appearance of the workman, and since the workman had filed his written statement as well rejoinder to the written statement of the management, and since the materials on record, namely the documents relating to the domestic enquiry were filed by the management, the learned lawyer for the management was heard and this award is being rendered on perusal of documents on record.

10. The allegation, according to the chargesheet was that on 9-8-89 this workman alongwith others had entered into the office of the Superintendent and abused officers including Mr R. K. Vidyarthi, Manager and also threatened to assault him. Thereafter the concerned workman and others went to the labourers who were working and instigated them to go on strike and again came to the office at about 10 A.M. and assaulted officials including Mr. Vidyarthi.

1. The workman submitted his explanation denying the allegations. The workman alleged that on the previous night the officials had unnecessarily assaulted some workmen. It was admitted that Mr. Vidyarthi was assaulted on the next day at about 10.30 A.M. by other persons whose name have been given. The workman claimed that he and others were instrumental in rescuing the officers. But before proceeding further, I may state that on going through the record of the domestic enquiry, I could not find anything to hold that in anyway the same was not held fairly and properly. Therefore, it must be held that the domestic enquiry was held fairly and properly.

12. In the departmental enquiry some witnesses gave their statements. Sri S. K. Singh, management representative had also gave his statement and he was cross-examined also. He said that Khol Behra was one of the persons leading the mob. He has said the concerned workman had assaulted Mr. Vidyarthi he also said that this workman and others were engaged in shouting slogans at about 10 A.M. to 10.30 A.M.

13. The managements first witness was Sri R. K. Vidyarthi himself. He has given detailed description of the incident. He blamed that Khol Behra alongwith others had come running and had assaulted him. He was cross-examined extensively.

14. Sri N. K. Singh, Agent, is another witness, but he is not a witness of the incident.

15. Next witness, Sri S. C. Roy, Sr. Mines Engineer has supported the case of the management, but he also is not a witness of the incident. He had seen Mr. Vidyarthi in the hospital. He has said that Mr. Vidyarthi was not fully conscious.

16. Witness Sadhu Saran Singh is Sr. Asstt. Manager. According to him Khol Behra had come to call Mr. Vidyarthi. After sometime the witness was informed that Mr. Vidyarthi was being assaulted. When he went he found that Mr. Vidyarthi was unconscious.

17. Another witness, Bipin Bhadesh, an Engineer, also has given similar evidence.

18. Witness Raghav Singh, Cap Lamp Issue Clerk is an eye witness who had seen Mr. Vidyarthi having been assaulted by Khol Behra and others. In cross-examination he said that Khol Behra was armed with a 'Danda'. He was also cross-examined extensively, but nothing in favour of the workman has been elicited.

19. No doubt, Smt. Mahamaya Chakravorty, another Clerk had said that Mr. Vidyarthi had also entered into her bed room along with one person, which other person had assaulted Mr. Vidyarthi there. She did not identify Khol Behra as that assailant. But this will not help much the workman because she deposed about a part of the incident.

20. Khol Behra, while examining himself as his witness, stood by his explanation and did not give any fresh evidence. In cross-examination he admitted that Mr. Vidyarthi was assaulted.

21. Some of the defence witnesses, also examined on behalf of Khol Behra, such as, Ram Budan Chouhan, Miner/Loader, has admitted this much that the workman had decided to garland Mr. Vidyarthi with shoes and to take him round the colliery. He also admitted that two of the caders (not Khol Behra) had assaulted Mr. Vidyarthi.

2. From the evidence it is clear that Mr. Vidyarthi was actually assaulted by the workmen and was hospitalised. From the evidence of the management witnesses it also is satisfactorily proved that Khol Behra was one of the assailants as also that he took a leading part in the agitation.

23. In the result I hold that in the enquiry it was rightly held that the charge against Khol Behra was established.

24. So far the punishment is concerned, the only punishment that can be given on such misconduct having been proved, is dismissal from service. Therefore, I see no reason to interfere with the punishment.

25. In the result the following award is rendered—The action of the management of Nichitpur Colliery under Sijua Area of M/s. B.C.C. Ltd., in dismissing Khol Behra R.P. Ex-Miner/Loader was justified. The workman is entitled to no relief.

There will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 30 मार्च, 1994

का. आ. 981.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल नियम, वी मेंगार-पथरा कोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार औंदोलिक अधिकरण, (सं. 1), पनवाद के प्रक्रिया को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-94 को प्राप्त हुआ था।

[संख्या एन-20012/117/90-याइ आर (कोल-1)]

वी. के. शर्मा, डिस्क अधिकारी

New Delhi, the 30th March, 1994

S.O. 981.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Angarpathera Colliery of M/s B.C.C.L. and their workmen, which was received by the Central Government on 30-3-94,

[No. I-20012/117/90-IR Coal-I]

V. K. SHARMA, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NO. I, DHANBAD

In the matter of a reference under section 10(1) (d) (2-A) of the Industrial Disputes Act, 1947.

Reference No. 198 of 1990

Parties: Employers in relation to the management of Angarpathera Colliery of M/s. Bharat Coking Coal Limited.

AND

Their Workmen

Present : Shri P.K. Sinha, Presiding Officer.

Appearances :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri S. N. Bhattacharjee, Advocate and

Shri S. N. Goswami, Advocate.

State : Bihar.

Industry : Coal.

Dated, the 15th March, 1994

AWARD

By Order No. I-20012/117/90-I.R. (Coal-I), dated, the 24th August, 1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Angarpathera Colliery in Katras Area No. IV of BCCL is justified in dismissing Shri Chedi Das, Ex-Miner Loader from service w.e.f. 14-12-88? If not, to what relief the said workman is entitled?”

2. The concerned workman was dismissed from service as result of a domestic enquiry which was held, by the learned predecessor, to be fair and proper. The sponsoring Union and the management both differ about as to how the incident actually had happened on 6-10-88, in the afternoon. Their cases may be stated, in brief, as coming out from their respective written statements, including the rejoinder filed on behalf of the workmen.

3. The case of the management was that the workman Chedi Das was Miner/Loader who, on 6-10-88, with one Mathura Mahato, another employee, went to the office of the Asstt. Colliery Manager, Shri Ram Avodha Singh, demanding deployment of a sweeper in the underground mine. While Shri Singh was talking to Mathura Mahato and issuing instructions to Shri K. Ahsan, Foreman-in-Charge, Chedi Das raised his hand, shouted at Shri Singh and attempted to assault him. Sri K. Ahsan caught hold of his hand and with the help of Mathura Mahato brought the workman out of the office. For this the management issued a chargesheet on the same day to the workman and finding his explanation not to be satisfactory, instituted domestic enquiry which was properly held and the Enquiry Officer in his report found the workman guilty of the misconduct. On consideration of this report the competent authority ordered dismissal of Chedi Das from service and he was dismissed under a letter of Dy. C.M.F. [Agent of the colliery dated 10/14-12-88.

4. On behalf of the workman it has been contended that the workman who was a permanent employee as a Miner/Loader was also Organising Secretary of the Union Mazdoor Sangathan Samiti and an active Executive Member, which Union had submitted a Charter of demands on 26-5-88 (Annexure-I to the written statement). It is their case that on 6-10-88 at about 8-30 A.M. the concerned workman received complaint that the condition of underground was insanitary. The workman along with Mathura Mahato, President of the aforesaid Union, went to the office of the Asstt. Colliery Manager, Ram Avodha Singh for deputing sweeper where the officer was sitting alongwith the aforesaid Foreman-in-Charge. The A.C.M. became very hostile and directed Shri Aslam to drive the workman out from the office saying “SAI AI UNION BAI KARTA HAI TUMKO DISMISS KARKE RAHANGE. CHAMAR JAT KO OFFICE SE NIKAL DO”.

At this Shri Aslam dragged him out and assaulted the workman concerned brutally.

5. It has been claimed that the chargesheet was issued by the management only to cover its misdeed. The workman reported the matter to the police and, on refusal of the police to act, he filed a complaint petition before the Additional Chief Judicial Magistrate at Chas where cognizance was taken and the case was pending.

6. It has been contended that Chedi Das was dismissed after initiation of conciliation proceeding in the dispute over strike notice, in contravention of the provision of Sec. 33 of

the Industrial Disputes Act, 1947. It has been claimed that the concerned workman was victimised.

7. As I have already said, the learned predecessor had held the domestic enquiry to be fair and proper which point was raised as preliminary issue. Therefore, this Tribunal has to decide upon the justification of the order of the management on the basis of the materials available on the record. The materials available on the record are in the shape of the record of the domestic enquiry.

8. It also appears that certain documents, such as photo copy of the strike notice, Charter of demands raised by the Union were placed in the Tribunal before the learned predecessor which were ordered to be marked as exhibits on behalf of the workman, by order dated 30-7-92. Some documents of the management, relating to the domestic enquiry were also marked. Under the restraint of the proviso of Section 11-A of the Industrial Disputes Act, the documents of the workman which were brought on the record for the first time during the adjudication proceeding cannot be considered. In my opinion, I will have to confine myself with the materials already on the record, meaning thereby the material on the record minus any fresh evidence, documentary or oral. No doubt, in a decision reported in 1973 (Vol. 10) SCL at 159 (Between the Workmen of Firestone Tyre & Rubber Co. Ltd. and the Management and others) their Lordships of Hon'ble Supreme Court have observed that the materials on record would also constitute the evidence taken by the management at the enquiry, and the proceeding of the enquiry and any additional evidence led before the Tribunal. But the documents filed for the first time unless produced for proving the allegation of victimisation, unfair labour practices or malafide, may not be considered because the same would be fresh evidence with regard to the matter (dismissal) which is barred by proviso of Section 11-A of the Industrial Disputes Act.

9. In this case I will confine myself to the record of the domestic enquiry.

10. Ext. M-1 is the chargesheet dated 6-10-88 issued against Chedi Das which runs as follows : (English rendering)—

"It has been reported against you that on 6-10-88 in the morning at about 9 A.M. you had gone to the office of Ram Ayodha Singh, A.C.M., R. K. Section. While Mathura Mahato was talking with the A.C.M. about the Sweeper, you raised your hand and rushed to assault Ram Ayodha Singh saying—TU AISE NA SUNABA, TAHRA AJ THIK KAR DEB, AJ NOKRI RAHE CHAHE JAI."

"Sri K. Ahasan the Foreman-in-Charge, who was present in the office from before, caught hold of you. Thereafter K. Ahasan and Mathura Mahato Trammer brought you out of the office of A.C.M. When out of the office you quarrelled with K. Ahasan and told him that 'TU PAHALWANI DAKHAWAT BARO, TOHORO KE VI HAM THIK KAR DEB'."

11. The workman replied through Ext. M-2 denying the allegations and stating that he and Mathura Mahato had gone to the office of Sri Ram Ayodha Singh for requesting him to get the foul smelling accumulated garbage removed which was lying underground. Then Sri Singh raised his voice and told that would be produce (Paise Kare) sweepers. At this the concerned workman replied that though he could not produce, but could arrange for one. He denied that he had given any threatening. At that one Sri Alam got entangled with him, abused him and pushed him upto 'Chanak'. He said that he had pused him by his neck and threatened him also.

12. Both sides agree that there are two allegations of misconduct against the concerned workman, viz., firstly that he had raised hand at the A.C.M. and had rushed to assault him, while abusing him, though somehow actual assault was prevented and, secondly, that while he was being taken out of the office, he had abused and threatened the Foreman-in-Charge also.

13. At the outset I must say that neither the claim of the management nor that of the workman, as to what actually

happened, inspires confidence. If the sponsoring Union is to be believed, the allegation in their written statement is that when they had gone to demand for a sweeper, the A.C.M. became very hostile and directed Aslam (Ahasan) to drive out the workman from the office, and also abused the workman, also by his caste, as reproduced earlier. The Aslam drove him out of the office and brutally assaulted him. This has been mentioned in para 3(i) of the written statement of the sponsoring Union.

14. But the management would have us believe, as per para 3 of its written statement, that when A.C.M. was talking to Mathura Mahato and was also issuing instructions to Ahasan, suddenly the workman raised his hand, shouted and threatened the A.C.M. and attempted to assault him, but it was (M. Ahasan who caught hold of his hand and prevented the mishap. So far the sponsoring Union's claim is concerned it is not natural that simply because a prayer has been made to arrange for a sweeper, the officer would get enraged without any rhyme and reason, and direct another official to drive out the workman from the office and also abuse the workman in filthy language, in presence of another workman, and that the Foreman-in-Charge would not only remove him from the Chamber, but would assault him brutally. Similarly, the narration of events, as given by the management, appears to be equally unnatural.

15. Obviously, neither side has come with clear hands so far their allegations are concerned. From the evidence in the domestic enquiry it appears that the truth lies in-between.

16. Before discussing the evidence I may mention that the Enquiry Officer has committed mistake on the face of record while considering respective evidence. In page 8 of his report (Ext. M-5), he has mentioned that neither the proceeds, nor his witness Mathura Mahato amongst others, have denied in their evidence that the concerned workman had not raised his hand and attempted to assault the A.C.M. So far workman's witnesses are concerned, these are only two witnesses on the point as to what had happened inside the office of the A.C.M. At page 41 of the evidence portion of the record, the concerned workman has clearly said that he had not raised his hand. In his evidence, witness Mathura Mahato (at page 44), has said in his reply that Chedi Das had not raised his hand. Therefore, for Enquiry Officer has wrongly stated the fact and has utilised the same in coming to the conclusion that the charges were proved.

17. I will first discuss the evidence of the management about the raising of hand and commission of other misconducts by the concerned workman against the A.C.M. MW-1 is the Asst. Colliery Manager himself who has said as to how he had heard the complaint and how he was arranging for the sweeper when all of a sudden the workman got enraged and started shouting. He said that others asked him to come down but Chedi Das raised his hand and refused to wards him for assaulting.

18. MW-2 Chand Mohan Mandel has also claimed to be an eye-witness. While describing the talks between two sides he said that Chedi Das raised his hand and had said that he would assault without caring whether he retained his service or not, at which K. Ahasan and Mathura Mahato caught hold of Chedi Das and took him out of the office. This witness has not said anything about Chedi Das rushing towards the A.C.M.

19. Next witness was K. Ahasan himself who said that when he had telephoned for sweepers, the workman got enraged over A.C.M. and started raising his hand at which he and Mathura Mahato took him out of the Office upto the 'Chanak'.

20. Here this very important witness has not said that the workman had fully raised his hand. He only has said that he started doing so (HATH APNA CHARHANE LAGE). He also has not said about how Chedi Das had abused A.C.M. or that he had taken even one step towards the A.C.M.

21. Another witness, Janki Singh, Fitter, said that Chedi Das had raised his hand and verbally threatened to assault R. K. Singh. He also has not said that the workman had rushed towards the A.C.M. During cross-examination, this witness said that he had seen the workman also moving towards the A.C.M. But the evidence of this witness is not

very reliable. In the examination-in-chief he has said that he had gone inside the office on hearing hulla, but in the cross-examination he said that he had gone inside the office when 'Saheb' had called him. In cross-examination he further said that he was present there when Chedi Das was talking with 'Saheb'. But earlier he has claimed that he went inside when he heard hulla. According to the management's evidence, the talks between the two had taken place before Chedi Das suddenly got enraged.

22. Next witness for the management is one S. K. Dave, Senior Overman in the colliery. He has claimed that he was sitting in the Chamber of A.C.M. when the concerned workman and Mathura Mahato came there. He said that after the talk he went to the pit and while he was sitting at the Chanak he heard some hulla and went inside the office A.C.M. He said that he saw Mathura Mahato talking to A.C.M. and at that time Chedi Das raised his hand and moved to assault A.C.M. But in cross-examination he said that he had not heard the talks between Chedi Das and the A.C.M. by his own ears. Moreover, this witness has said that he had gone inside the office on hearing hulla. He also said that when he went there, the A.C.M. was talking to Mathura Mahato. Obviously this witness is not correct because hulla was raised after the general talks when allegedly the workman got suddenly enraged and rushed to assault the A.C.M. It is clear that nowhere the management has claimed that the A.C.M. had talked with Mathura Mahato after the hulla was raised, rather the management's case is that Mathura Mahato and K. Ahasan had came out of the office, taking Chedi Das with them.

23. Therefore, it is clear that while the evidence of some of the witnesses is not free from doubt, the major witness have contradicted themselves as to in what manner the workman had committed the act of misconduct, as alleged. This allegation is therefore, not free from doubt, in view of the evidence of the management discussed above, that the workman had rushed towards the A.C.M. in order to assault him. What is clear from this evidence is that some incident had taken place inside the office which might have raised temper of both the sides and that Chedi Das by some action had contributed to that and that, at least, his posture was somewhat threatening, though he might not actually have rushed to assault the A.C.M. Contrast to the allegation is the evidence adduced on behalf of the workman.

24. But before considering the evidence of the workman, the second part of the allegation in the chargesheet about how the workman had behaved with K. Ahasan, may be examined. In the chargesheet specific words have been mentioned, as already stated, as to what the workman had said to K. Ahasan while being escorted out. But in his evidence the A.C.M. has said that after the workman was taken out, he quarrelled with K. Ahasan also —(ULAJH GAYE) and both had not exchange of words.

25. Chand Mohan Mandal, the other witness, has said that while Chedi Das was being taken out, he was talking K. Ahasan—"TUM PALHANI DIKHAWATARE. TOHRO KO THIK KAR DEB." But this witness does not say that he had said anything else. This is in some contrast to the evidence of A.C.M. who also said that both had indulged into heated arguments.

26. K. Ahasan has said that Chedi Das told him almost what had been alleged in the chargesheet. He does not say that there had been any heated argument.

27. Janki Singh has said that when Chedi Das was brought to the pit, he told K. Ahasan—"TU HU RANGBAJ BHYEEL BARA, TOHE KO BHI BATA DEB".

28. MW S. K. Dave almost supported what Janki Singh had said.

29. Though there may be some difference in the evidence of different witnesses about the words which might have been said by Chedi Das, but that is not unnatural. More or less the management's witnesses confirm that Chedi Das had used some heated words against K. Ahasan.

30. Coming to the evidence of the workman on both parts of the chargesheet, the first witness is Chedi Das himself. He has almost supposed his own version as given to the management in his explanation to the chargesheet, Ext. M-2. He has deposed to say that on his demand, the A.C.M. said

that whether he would produce sweeper (PAIDA KAR DU), at which the workman said that though he could not produce, but he could arrange it. K. Ahasan got enraged and pushed him upto the Chanak. He alleged that it was Ahasan who had threatened him that he would pounce upon his chest after he was laid supine. During cross-examination the workman struck to his allegation that he was pushed upto the Chanak. From his cross-examination at page 37 and 38 it will appear that four times this witness has asserted that he had not raised his hand.

31. The next witness is Mathura Mahato who in his evidence has fully supported the allegation of the workman. He has supported about the conversation between the two and as to what Mr. Ahasan had said, while he had pushed Chedi Das upto the Chanak. Significantly, this witness has not said that K. Ahasan had also assaulted Chedi Das.

32. The next witness is a workman named Duddh Nath Gope. He witnessed K. Ahasan pushing Chedi Das upto the Chanak. He said that K. Ahasan threatened the workman that he would be lifted and thrown on the ground which would kill him. In cross-examination this witness has said that it was only K. Ahasan who had pushed him out of the office.

33. The next witness is Sahajad Mia, another worker, who has supported the evidence of Duddh Nath Gope.

34. The next witness is Adhin Mia, another worker. He has supported the preceding two witnesses. This is all the evidence on behalf of the workman.

35. From the aforesaid evidence on behalf of the workman I find it amply proved that K. Ahasan had pushed the workman upto the Chanak and he also had uttered some hot words in the process.

36. No doubt, both sides have given evidence in their favour which is partial in nature. If the evidence of the workman's side is to be believed then Chedi Das was unnecessarily pushed out of the office upto the Chanak and he was also threatened though he never uttered any offensive words. If the evidence of the management is to be believed, then what would come out is that the workman had, without rhyme and reason, used offensive words at his officer, the A.C.M. and had adopted threatening posture towards him and that while he was being pushed out of the office, he had used offensive language against K. Ahasan also. Both the versions lack touch of genuineness.

37. On careful consideration of the case of the respective parties and the evidence on record of the domestic enquiry, I come to the conclusion that Chedi Das alongwith co-worker had gone to the office of Ram Ayodha Singh, A.C.M. to make a demand for deployment of sweepers, underground, and at that time K. Ahasan was also present in the office. It also appears that inside the office there was exchange of some hot words in course of which some posture of the workman appeared to be threatening at which atleast K. Ahasan had roughly pushed him upto Chanak, and they both also had exchange of some hot words.

38. Therefore, it can be safely presumed, in all probability, that the genesis of exchange of hot words inside the office was provided by both sides. No doubt, a workman's action can hardly be justified on the ground that other side too was offensive. In the present reference I am only concerned with the action of the workman. If some higher official had used some offensive words then it was not for the workman to loose his temper also and adopt a posture which could give impression of his riotous behaviour. He could have complained the matter to the higher official. To this extent the workman appears to be guilty of misconduct.

39. So far the allegation in the chargesheet in connection with K. Ahasan is concerned, what I find from the evidence is that the workman was roughly pushed by K. Ahasan upto Chanak in which both had hot exchange of words. Mr. K. Ahasan also admitted this much in his evidence (at page 19) that he had told the workman—"TUM JADA BAKWAS MAT KARO". However, all the witnesses of the workman have supported that K. Ahasan had used hot words and had pushed Chedi Das upto the Chanak.

40. It is not unnatural for a human being to loose his temper while in a heated discussion may be with a senior officer. In such circumstance some people tend to loose control over themselves and at such moment by some of their gesture they may give impression of riotous behaviour. This is not to say that if a workman loses his temper and gives such an impression, then because of frailties of human nature such act should not be treated as misconduct and that the action against the workman should be totally condoned. This is just to say that such frailties of the human nature, if such misconduct is not of a serious type, may be treated as the mitigating circumstance while awarding punishment. As I have already said, I do not believe that while the A.C.M. in all his earnestness, was trying to arrange for a sweeper for which the workman had gone there, the workman, without any reason would get flared up and rush towards the officer to assault him. But in exchange of hot words he might have lost his temper, too. But the management has not satisfactorily proved that having raised his hand the workman had rushed towards the A.C.M. to assault him. Had this been proved, the offence of the workman could have been treated to be a serious one. But that not having been proved by satisfactory evidence, the gravity of the offence, considerably diminishes though his action may still come in the category of misconduct.

41. So far the allegation of the misconduct of the workman relating to K. Ahsan is concerned, I find sufficient evidence on record to show that the workman was pushed out of the office by this gentleman right upto the Chanak. This also suggests here that the workman himself was ill-treated at the hands of the official. The witnesses of the workman have given sufficient evidence to show that K. Ahsan also had threatened the workman. In such circumstance even if the workman said something, his mental state can be understood and much weight under those circumstances to the action of the workman should not be given.

42. In view of the aforesaid circumstances, though I find that the workman has been proved to have lost his temper as also that he had made some offensive gesture, yet that offence does not call for inflicting of the maximum punishment. There is nothing on the record to show that before this incident the workman had indulged into any act of insubordination or ever had taken recourse to riotous behaviour. Whatever has happened, has happened in a heated atmosphere for which, as stated, both the sides appear to share the blame. This being so, the management should have taken a more humane approach and should not have taken the decision to dismiss the workman keeping in view the circumstances of the misconduct so committed, as also in view of the fact that this only could be proved to be the first such misconduct of the workman. A lighter punishment would have been just and proper, which would not only have served as a warning to the workman, but also would have given a chance to the workman to mend himself.

43. Therefore, in the conclusion, though I find that misconduct to the extent mentioned above has been proved against the workman, yet the punishment inflicted to him was not commensurate with the offence committed.

44. Here it may be mentioned that on behalf of the workman some other arguments also were made, mostly technical in nature, such as, as to who was competent to issue the charge sheet or about a mistake of date in the charge sheet, but this mistake of date appears to be a slip of pen which did not misled the workman as he submitted his explanation for the incident dated 6th October, 1988. So far other technical objections are concerned, when it has already been held that the domestic enquiry was fair and proper, there is hardly any need now to go into those.

45. I have already held that the punishment of dismissal was not proportionate to the misconduct on the part of the concerned workman that stands proved. Therefore, the workman is to be awarded some other punishment.

46. While deciding punishment the fact must not be lost sight of that a discipline work-force is essential for the proper running of the industries. Therefore, entering into heated argument with the superior officer and also adopting threatening posture are the acts which cannot generally be condoned. But in this particular case the circumstances have shown that

both sides contributed to the situation and that after the happening in the office the workman concerned himself was roughly handled. It is also the fact that the management has not proved that even before the workman had indulged into any other act of misconduct.

47. Therefore, keeping in view the gravity of offence as well the extenuating circumstances if the workman who had been dismissed more than five years ago is allowed only 40 per cent of his back wages on his reinstatement, that would serve the ends of justice and would also deter the workman from loosing control over himself while dealing with superior officers in future.

48. In view of this the following award is rendered:—

The action of the management of Angarpathera Colliery in Katras Area No. IV of M/s. B.C.C. Ltd. in dismissing Chedi Das, Ex-Miner Loader from service with effect from 14th December, 1988, as not justified. The management is directed to reinstate the workman in service within two months of the publication of the award. The management is also directed to pay him 40 per cent of back wages counting from the date of his dismissal upto the date he is reinstated in service as per above direction.

In the circumstances of the case there will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 30 मार्च, 1994

का. आ. 982.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिडिकेट बैंक के प्रबन्धर्तव के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-94 को प्राप्त हुआ था।

[संख्या एल-12012/17/92-आई-आर० (बी-2)]

दी. के. शर्मा, दैस्क अधिकारी

New Delhi, the 30th March, 1994

S.O. 982.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 29-3-94.

[No. L-12012/17/92-IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. ID. 49/92

Vinod Kumar Garg Vs. Syndicate Bank.

For the workman : Workman in person.

For the management : Shri K. Laxmi Narain.

AWARD

Central Government vide gazette notification No. L-12012/17/92-IR. (B-II) dated 30-4-1992 issued U/S 10(1)(d) of Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Syndicate Bank in dismissing Shri Vinod Kumar Garg from the Bank's service w.e.f. 7-8-87 is justified? If not, what relief the workman is entitled to?"

2. Brief facts of the case that the petitioner was placed under suspension on 20-9-1986 on account of that while working at the branch between 25-8-1984 to 10-9-1986 on various date made fictitious credit entries numbering 10 amounting to Rs. 1,08,500 in the savings bank account No. 19772 of Smt. Pushpa stated to be wife of the petitioner knowing that no such credit deposits were made on this account. Thereafter on 12 different dates the said amount had been withdrawn by him including Rs. 35000 on 10-9-86 by using withdrawal slip No. 955375. Thereafter on 10-9-86 he purchased a draft of Rs. 44000 on Patiala branch favouring one Shri Pritam Singh. When the branch detected these fictitious entries he surrendered the draft of Rs. 44000 dated 10-9-1986 alongwith a letter requesting cancellation of the draft. Thereafter the petitioner stated to have deposited Rs. 35000 and Rs. 10000 respectively to wipe off the above said withdrawals against the fictitious entries. He was served with charge sheet on 20-9-1986. Enquiry Officer submitted his report on 6-10-1987. Disciplinary authority inflicted the punishment of dismissal on 23-11-1987 after affording personal hearing to the petitioner. The petitioner has questioned the departmental enquiry on the ground that the same is not in terms of para 19 : 12(a) of the Bi-partite Settlement dated 19-10-1986 and sufficient time was not given to prepare his defence. The enquiry was also in violation of para 19 : 14 of the Bi-partite Settlement as names of the authorities i.e. enquiry officer, disciplinary authority and appellate authority were never notified and published on the bank's notice board. Enquiry Officer conducted the enquiry ex parte. He did not act as impartial authority. He was rather partial and hand-glove with the bank's representative. Enquiry Officer violates all the principles of the natural justice, therefore, the enquiry proceedings are perverse and ultra-vires and no merits in the eyes of law. The petitioner is stated to be young man of 37 years and the sole bread earner of large family consisting of five members. He thus sought reinstatement with back wages with all consequential benefits.

3. The management in their written statement has taken the preliminary objection that the averment in the statement of claim are ill founded. On merits the plea of the management that the enquiry had been conducted in accordance with para 19 : 12(a) and 19 : 14 of the Bi-partite Settlement dated 19-10-1966. It was denied that the management decided to take disciplinary action on manufactured charges. He while working as a clerk committed fraudulently withdrawals to the extent of Rs. 108500 by making fictitious entries in the bank's record and he was charge sheeted for gross misconduct and doing acts prejudicial to the interests of the bank. The plea of the management that the authorities are duly constituted disciplinary authority and appellate authority as per the terms of Bi-partite Settlement dated 19-10-1966. It was also denied that the petitioner was victimised and in order to shelter others the false charges has been manufactured against the petitioner. It was denied that the enquiry officer was partial and did not follow the principle of natural justice. The petitioner was given opportunity to produce his defence but he has not availed the same. He is deliberately abstained from the enquiry. Even enquiry officer vide letter dt. 14-8-1987 forwarded the proceedings to the petitioner and gave him opportunity to submit his written arguments. The petitioner in his letter dated 6-9-1987 admits the charges in following way :

"I readily feel sorry for the entire episode and assure the management that I will not give any chance of complaint on account of my acts and conduct in future and will act to the entire satisfaction of the management as I have always been doing.

I, therefore, request that lenient view may kindly be taken in the matter of alleged misconduct on my part."

Enquiry officer submitted his report on 6-10-1987. The petitioner had not produced any exonerating circumstances before the disciplinary authority. The disciplinary authority awarded the punishment of dismissal from the service. The petitioner was given opportunity of personal hearing vide letter dated 16-10-1987. The petitioner in response to the subsequent letter dated 29-10-1987 appeared before the disciplinary authority and stated that mistake committed by him due to family problems and he will not repeat the said mistake in future and his case be viewed leniently. There is no

illegality in the order passed by the disciplinary authority and appellate authority. The management also sought to lead additional evidence if it is held that the enquiry has not been conducted in accordance with the principle of natural justice. The management thus sought the dismissal of this reference.

4. Replication was also filed reasserting the same facts as claimed in the statement of claim.

5. The petitioner filed his affidavit Ex. M1 in evidence. The management has confronted the documents Ex. M1 the admission of the petitioner, Ex. M2 the request for cancelling the draft of Rs. 44000 and Ex. M3 the statement of account of Mrs. Pushpa. Mr. Ranjan Chaudhary is the management's witness. He also relied on the documents enquiry proceedings Ex. M5. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. The petitioner at the outset does not contest this case on merits. He only prayed for mercy and intervention of U/S 11-A of the Industrial Disputes Act, 1947 for the reduction of punishment. In this connection it has been pointed out that present incident is only solitary incident in 10 years service of the petitioner. He is sole bread earner, has large family to support. He has already reimbursed the amount and there is no wrongful loss to the bank. He is throughout been pleading mercy. Therefore, justice must be tempered with mercy. On the contrary the plea of the management that the charges framed against the petitioner pertains to the acts of major misconduct and therefore, he is not entitled for any leniency. I have perused all the averments made by the respective parties. There is substance in the arguments advanced by the representative of the petitioner. Before dealing with the issue the scope of Section 11-A is necessarily is to be dealt with. The scope has largely been discussed in the district manager A.P.S.R.T.C. Jaggalpet Vs. Labour Court, Guntur and another reported in 1978 Lab. I.C. 359, it has been held, Section 11-A has come into force w.e.f. 15-12-1971. Prior to insertion of Section 11-A there was no provision in the Act empowering the Industrial Tribunals to set aside wrongful orders of discharge or dismissal exercising appellate jurisdiction over the domestic authorities. The jurisdiction then was merely of a supervisory nature to see as to whether the inquiry was fair or proper, whether there was any want of good faith or whether the order of discharge or dismissal was an act of victimisation or unfair labour practice on the part of the employer or whether the management was guilty of any basic error or violation of the principles of natural justice or if the findings of the inquiry officer were wholly baseless or perverse. The Tribunals had no jurisdiction to go into the merits of the case. The insertion of S. 11-A has resulted in enlargement of the Tribunal's power in an adjudication relating to the discharge or dismissal of a workman so as to be in keeping with the recommendations of the International Labour Organisation. Under S. 11-A, the legislature has vested in the Labour Courts, Tribunals and National Tribunals with all the powers which are normally exercised by appellate authorities by way of reappraising the evidence and setting aside the findings and also imposing reasonable punishments. In the case of Depot Manager A.P.S.R.T.C. Suryapet petitioner Vs. Sri Md. Masood reported in 1992(1) S.C.T. page 3 it has been held following the decision laid down in the workmen of F.T. & R. Company Vs. the Management AIR 1973 Supreme Court page 1227:

"The legislature has, thus made a departure and empowered the labour court to satisfy itself whether the misconduct is proved, in spite of the fact that the enquiry held was proper and also to interfere with the punishment imposed by the employer. The court can thus differ from the management both with regard to the finding of misconduct arrived at by it as well, with the punishment imposed by it. The powers so conferred are in conformity with recommendations of International Labour Organisation."

Therefore no dispute is left that U/S 11-A, if the Tribunal holds that the enquiry has been conducted properly and the finding about the misconduct is correct, it has jurisdiction to consider whether the punishment requires modification. If it

is held that the punishment is to be modified if has powers to do so and award a lesser punishment.

8. Coming to the circumstances of the present case, the petitioner had been duly appointed in the bank in 1976. He possesses unblemished record of service in all these 10 years having past good conduct and the present incident is the solitary misconduct of the petitioner as the management has not placed on the record to show anything adverse against the petitioner in all these years. In the case of MD Orissa Agro Industries Corporation Vs. Bhimsen Maharana and others reported in 1990 Lab. I.C. 1531 due consideration has been given to the length of service and the past good record following the ratio laid down in Gujarat State Road Transport Corporation, Ahmedabad Vs. Jamnidas Becharbhai reported in 1983 Lab. I.C 1349 wherein it has been held :

"In imposing punishment on an erring employee an enlightened approach informed with the demands of the situation and the philosophy and spirit of the times requires to be made. It cannot be said that the length of service of the delinquent workman, his past good record and his socioeconomic condition are not relevant factors which should weigh with the Labour Court while exercising its discretion under Section 11-A of the Act."

In Jaswant Singh Vs. Pepsu Road Transport Corporation reported in AIR 1984 S.C. 355 the Hon'ble Supreme Court had given a due weightage to the first offence for the purpose of intervention U/S 11-A of the Act.

9. There is no doubt that the charges framed against the petitioner pertain to acts of major misconduct relating to misappropriation, but however merely that the charges against the petitioner pertains to act of major misconduct does not bar the intervention U/S 11-A of the Act. In Scooter India Ltd., Lucknow Vs. Labour Court reported in AIR 1989 S.C. page 149. The charges against the respondent in that case were of major misconduct wherein the intervention U/S 11-A was upheld by the Hon'ble Supreme Court. Himachal Road Transport Corporation Vs. Presiding Officer, Labour Court reported in 1980(3) S.L.R. page 104, the case was of misappropriation of money. The Hon'ble High Court had upheld the award of the Labour Court and observed in a following way :

"In view of the provisions of Section 11-A, enumerated above, and law as interpreted in the Workmen of M/s. Firestone Tyre and Rubber Co. of India P. Ltd. (Supra) it can not be held that the award of the Labour Court is in any way illegal, without jurisdiction or void because under the provisions of Section 11-A the Labour Court has authority to alter the punishment and inflict a lesser punishment. The Labour Court in its award has enumerated the various factors which it has taken into consideration for inflicting lesser punishment upon respondent No. 2 and the award of the Labour Court is well reasoned award."

Similarly in M.D. Orissa Agro Industries Corporation (Supra) the case was also of misappropriation where in the intervention U/S 11-A of the I.D. Act was held to be valid. However the added feature in the present case is that the petitioner had already reimbursed the bank of the amount involved admittedly prior to the punishment imposed by the management. The management has not rebutted this position and the ratio laid down in the cited judgments.

10. Another feature which requires consideration that the petitioner is only bread earner, and has large family to support. The management has not controverted the same. The same issue was also in consideration in M.D. Orissa Agro Industries (Supra) wherein the Hon'ble High Court had appreciated this aspect for the purpose of consideration U/S 11-A of the Industrial Disputes Act, 1947 and had observed as under :

"It is elicited in the evidence of the workman by the management that he comes from a family of marginal farmers having 2 acres of agricultural land with his father and 3 other brothers to share the yield. He has a family consisting of 2 children and the alleged misconduct stands in isolation. The

action of the management terminating the services of the second party in this background appears to me to be harsh, oppressive and disproportionate."

11. The petitioner has been pleading mercy right from the beginning. In the Court also he has also preferred to plead mercy. In the Workman of M/s. Firestone Tyre and Rubber Co. of India (P) Ltd. Vs. The management and others reported in AIR 1973 Supreme Court page 1227 it has held as follows :

"We are aware that the Act is a beneficial piece of legislation enacted in the interest of employees. It is well settled that in construing the provisions of a welfare legislation, courts should adopt, what is described as a benevolent rule of construction. If the constructions are reasonably possible to be placed on the section, it follows that the construction which furthers the policy and object of the Act and is more beneficial to the employees, has to be preferred."

The object of the Act is to safeguard the service conditions of the employees. It, therefore, demand a liberal interpretation are the observations made in the Management Singarani Collieries, Kalyanakham Vs. Industrial Tribunal (C) Hyderabad and others reported in 1989 (59) F.L.R. page 568(AP). The petitioner has also suffered agony in all more than seven years facing departmental enquiry and the proceedings in the Court from the date of suspension. Therefore, justice must be tempered with mercy and due credit should be given to the petitioner for the same.

12. In view of the discussions made in the earlier paras, taking over all view of the matter, the petitioner deserved leniency. The end of the justice will be met if the petitioner is given an employment afresh. Therefore, exercising the powers U/S 11-A, the management is directed to appoint the petitioner within three months from the publication of the award on the post and pay last drawn by him on the date of suspension. His past service rendered with the management shall only be considered for the purpose of his retiral benefits. Obviously by virtue of his fresh employment he would loose the back wages, continuity and seniority of all these years. However his seniority and continuity shall only be reckoned from the date he joins on account of his fresh employment. With this modification in the punishment, the award is returned to the Ministry.

Chandigarh.

Announced subject to the approval of the Ministry at Camp Court, Delhi.

4-3-1994.

ARVIND KUMAR, Presiding Officer

नई विल्ली, 24 मार्च, 1994

का. आ. 983.—केन्द्रीय सरकार इससे संतुष्ट है कि लोकहित में यह अपेक्षित है कि उद्योग, भारत सरकार टकसाल, कलकत्ता जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में शब्दिट II द्वारा शामिल है, को उक्त अधिनियम के प्रयोजन के लिए सोक उपयोगी सेवा घोषित किया जाना आहिए।

आत: श्रब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (VI) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का. सं. एस-11017/6/85-डी-1(ए)]

एस. एस. पराशर, अवर सचिव

New Delhi, the 24th March, 1994

S.O. 983.—Whereas the Central Government is satisfied that the public interest requires that the industry, India Government Mint, Calcutta, which is covered by entry 11 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/6/85-D.I(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 25 मार्च, 1994

का.आ. 984.—आंधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार उच्च.सी.एल.के. प्रबन्धनात्मक के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंधोगिक विवाद में केन्द्रीय सरकार आंधोगिक अधिकरण, बम्बई नं. 1 के पंथपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-94 को प्राप्त हुआ था।

[सं. एल-22012/153/92-मार्ई आरसी II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 25th March, 1994

S.O. 984.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. I, as shown in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on 24-3-1994.

[No. L-22012/153/93-IRC-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer

REFERENCE NO. CGIT-67 OF 1992

PARTIES :

Employers in relation to the management of Rajur Sub-Area of W.C. Ltd.

AND

Their workmen.

APPEARANCES :

For the Management—Shri G.S. Kapur, Advocate.

For the Workmen—Shri D. N. Choube, General Secretary, S.K.M.S.

INDUSTRY—Mining.

STATE—Maharashtra

Bombay, the 9th March, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi has made the following reference to this Tribunal under Section 10(1)(d) read with Sub-section 2A of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Ramdas Abhilash Badli Loader, who has been appointed as a dependant by the Sub-Area Manager, Rajur Colliery, W.C. Ltd., without enquiry is legal and justified ? If not, to what relief the workman is entitled to ?”

2. Statement of claim has been filed by General Secretary, SKMS (AITUC) New Majri Colliery, it has been stated therein that the father of Mr. Ramdas Abhilal was an employee of W.C. Ltd., Rajur Colliery. He met with an accident during the course of his employment and was declared medically unfit. Under the provisions of NCWA dependent of such a person could be absorbed and accordingly Ramdas Abhilal was appointed in April 1990 as Badli Loader in place of his father declared unfit.

3. Mr. Ramdas Abhilal was doing his duties properly. However, his mother became seriously ill at Chindwara and Ramdas after intimating the management on 5th July, 1990 he submitted an application for leave. After returning he went for attending to his duties and he found that his services were terminated and asked the reasons therefore. He was informed that he had remained absent from duty without prior permission and information. According to him, he was not given any chargesheet, any notice or salary in lieu of notice and this was in violation of the provisions of section 25F of the Industrial Disputes Act. Inspite of his efforts to join, he was not allowed to resume duty and therefore, he intimated about this to the union which also took his case without success to the conciliation. Efforts failed and therefore, this reference complaining of illegal termination of service in violation of the mandatory provisions under the Act, asking for reinstatement and back wages. Management has filed written statement raising preliminary and final contentions. Admitting that Ramdas Abhilal was appointed in the place of his father who was declared medically unfit, management's contention is that he remained absent was insincere and therefore, his name was removed from the rolls of the Rajur Colliery on 5-7-1990. It is admitted that no enquiry was held. It is contended however, that he was only Badli/Casual worker having worked for a short duration and not a permanent workman. It is further contended that union which has espoused the case has not backing of workers and cannot plead for the workman and that there is no industrial dispute as such to be adjudicated upon by this Tribunal. It is stated that he worked only for 47 days during his service period from April, 1990 to July, 1990. Contention is that there is no violation of provisions of law.

4. In the alternative employer has pleaded that it be given an opportunity to prove the mis-conduct on merits if the Tribunal is of the view that the enquiry was necessary.

5. Rejoinder has been filed on behalf of the union and contention is that the union is registered under Trade Union Act and as General Secretary Shri Choube is authorised to espouse the dispute. It is therefore, contended that the objection is frivolous.

6. The admitted position is that the father of Mr. Ramdas Abhilal was a workman in W.C. Ltd. and he met with an accident whether during the course of duty or otherwise. It is also an admitted position that he was therefore, declared medically unfit and under the provision of NCWA IV dependant is to be provided with an employment. Letter of appointment is on record and it shows that on 26th February 1990, Ramdas Abhilal was advised to meet the General Manager for employment. Office order was issued on 27-3-1990 offering Mr. Ramdas Abhilal an employment as UG Loader after he was found medically fit and directed to undergo vocational training. On 5-3-1990, Deputy Personnel Manager, informed Sub-Area Manager, Rajur Sub Area, that Mr. Ramdas should be offered appointment as Piece Rated Loader and posted at Rajur Colliery and accordingly on 5-3-1990, he came to be appointed alongwith the others and allowed to join duty as Casual Loader/UG Loader. Mr. Ramdas was appointed in Rajur Colliery as UG Loader.

7. What is therefore, not in dispute is that Mr. Ramdas did not attend duties and till July 1990, as per the written

statement filed on behalf of the management he had put in 47 days of work. His case is that thereafter, he had to leave to attend to his ailing mother and on return on 15-7-1990, he was told that his name is removed from the roll. Management states in the written statement, para 11 that it was not in the interest of management to keep such insincere and disinterested person on the roll of the Colliery and consequently the name of Shri Ramdas Abhilal was removed from the rolls of the Rajur Colliery on 5-7-1990. This action on the part of the management is difficult to justify. The relevant rules produced applicable to Coal Mining Industry consisting of Model Standing Orders, classification of workman is made in Rule 3 and definition of each category of workman has been given. A Badli worker as well as Casual worker has been defined therein. I stated earlier, he was appointed as a UG Loader vide letter 5-3-1990. The mode of termination is also provided by the Model Standing Orders and Rule 17 speaks of the disciplinary action, habitual late attendance and absence without sufficient cause is dealt with under clause(d). However, before imposing or awarding punishment under Standing Orders the workman concerned has to be informed at any rate of the alleged misconduct and has to be given an opportunity to explain the allegation. The departmental enquiry has to be instituted. He has to be given assistance of co-worker if asked for if he so desired and thereafter, the action is to be taken. Nothing of this type has been done and therefore, I find it rather difficult to see justification for the penalty imposed upon him. Some sort of notice is required even in case of Badli workman who has completed three months continuous service or even less. Here, I may also refer to another misconduct covered by clause No. (n) of Rule 17 which consists of continuous absence without permission or without satisfactory cause for more than 10 days. That again prescribes procedure before imposing penalty and it ought to be followed. I therefore, find that the action of the management in removing his name from the roll as unjustified.

8. On behalf of the management it was urged that the union that has espoused the cause does not have the necessary backing. The argument is that therefore, this is not an industrial dispute which could be referred for adjudication by this Tribunal. Without entering into the controversy as to whether the union that has espoused the cause can make this individual dispute an industrial dispute, I find that Section 2A of the Industrial Disputes Act clearly envisages that such a dispute of an individual would be deemed 'industrial dispute'. I therefore, hold that the action of the management in terminating services of Shri Ramdas Abhilal, Badli Loader, without enquiry is neither legal nor justified. The workman is entitled to the relief of re-instatement.

I would direct 50 per cent of the back wages in view of facts and circumstances. Award accordingly.

R. G. SINDHAKAR, Presiding Officer

मई दिल्ली, 25 मार्च, 1994

का.प्रा. 985.—औद्योगिक विवाद शिधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एम.सी.सी.एल. के प्रबन्धताल के संलग्न नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-94 को प्राप्त हुआ था।

[मं. एल-21012/106/87-डी-III(वी)]

राजा लाल, ईस्टकान्त्रिकारी

New Delhi, the 25th March, 1994

S.O. 985.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad a shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd and their workmen, which was received by the Central Government on 24-3-94.

[No. L-21012/106/87-D-III(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-J

Hyderabad the 9th March, 1994

Industrial Dispute No. 27 of 1988

BETWEEN

The Workmen of S.C. Co. Ltd.

Bellampalli, Adilabad Distt. A.P. . . Petitioner

AND

The Management of M/s. S.C.C. Co. Ltd.,

Bellampalli, Adilabad District. . . Respondent.

APPEARANCES :—

Sri B. Ganga Ram, Chief Vice President, S.C. W. Union for the Petitioner.

M/s. K. Srinivasa Murthi and G. Sudha, Advocate for the Respondent.

AWARD

The Government of India, Ministry of Labour by its Order No. L-21012/106/87-D-III(B), dt. 28-1-1988 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :

"Whether the action of the part of the Management of M/s. Singareni Collieries Co. Ltd., in relation to Boipalli No. 1 Incline in imposing punishment of 5 days suspension spreading from 15-4-1986 to 19-4-1986 on Sri Acha Pedda Mallaiah, Mining Sirdar vide Order No. BOP/86/6 S.C. 173, dt 9-4-86 is legal and justified? If not, to what relief the workmen is entitled?"

This reference was registered as Industrial Dispute No. 27 of 1988 and notices given to both the parties.

2. The brief facts of the claim statement filed by the Petitioner workmen read as follows:—The workman Sri Acha Pedda Mallaiah who has been working as a Mining Sirdar in Boipalli No. 1 Incline was charge sheeted vide dt. 31-8-1985 that on 30-8-1985 in 2nd shift he refused to supervise in 2 Cross cut 3 cross cut in Salarjung seam and zero level in 2 seam and it is alleged that his refusal to see 2 seams is violation of coal mine regulation 1957 and it amounts to misconduct under Company Standing Orders No. 16(1) and 16(19). The workman in his reply to the charge sheet has explained that on 30-8-1986 in II shift he was directed to see 2 cross cut and 3 cross cut in Salarjung seam and after distribution of work he went down the mine and was busy in work. At 6.30 P.M. the Shift Overman went to the district where Sri Acha Pedda Mallaiah was supervising the work and asked him to go and supervise the work Zero level district of 2 seam also. He categorically replied that he has already performing this statutory duties in Salarjung Seam where two drill machines with 22 coal fillers were working. He also replied that one mining Sirdar cannot see two seams in a mine and it is against the safety of the mine and against the coal mines regulations 1957. The workman also explained the Overman that in Salarjung seam 2 Drills are already engaged and since height and width of the seam is less and roof condition frequently becomes bad, hence

supervision or Salarjung seam is required as per the safety rules. The workmen also explained that in Salarjung seam the coal faces sufficient hence there was no need of sending 2 coal fillers to zero level 2 seam. As a matter of fact, the so called 2 badli fillers did not go to work in Zero Level 2 seam hence coal cutters also did not go there and in these circumstances the question of going to Zero Level 2 seam does not arise and no production was damaged nor the work in progress suffered and the workman did not violate any regulations. The statement that it is the practice in Boipalli-I Incline that if mining sirdars are absent, only one mining sirdar looks after 2 seams is quite wrong and misleading. The refusal of the workman to violate the safety rules is not misconduct at all and it is not violation of Mines Regulations 1957. In any coal mine of Bellampalli are such wrong practice of each mining sirdar supervising in several district in 2 different seams is not there. To follow such wrong practice means violation of coal mines regulations 1957 and it is against the safety of the workers in the Mine. The action of the management in suspending Sri Acha Pedda Mallaiah Mining Sirdar, Boipalli No. I Incline is wrongful, illegal and unjustified. Therefore we pray the Hon'ble Tribunal to quash the suspension of 5 days on Sri Acha Pedda Mallaiah mining Sirdar of Boipalli No. I Incline and we also pray the Tribunal to pass orders that the management should pay the costs.

3. The brief facts of the counter filed by the Respondent Management read as follows:—It is true that the workman in dispute Sri Acha Pedda Mallaiah was working as a Mining Sirdar in Boipalli No. I Incline. The workman refused to supervise the work given to him i.e. 2 Cross cut and 3 Cross cut in Salarjung seam and zero level in 2 seam and violated Coal Mines Regulations and also standing Orders of the Company. In view of this misconduct while on duty on 30-8-1985 management issued charge sheet dt. 31-8-1985 under Standing Order No. 16(1) and 16(19). It is true that this workman has submitted his explanation. As management was not satisfied with the explanation appointed enquiry officer and domestic enquiry was conducted. The Management have gone through the enquiry proceedings, gravity of misconduct and past record and applied its mind and imposed punishment of 5 days suspension from 15-4-1986. It may be noticed that the employee is trying to justify his misconduct on the alleged ground that management is trying to ask one Mining Sirdar to do the job of 2 Mining Sirdars. This is not correct nor any demand has been made by the Union. Even in the present case though he is fully aware of safety measure and he has a supervise because of exigencies and 2 coal fillers were working at Zero level in 2 seam he has refused to do so. At this stage without doing work they were written instructions as mentioned in para VI. Infact Mining Sirdars have not made demand to give instructions in writing by the superior officials which will enable them to execute. It is submitted that the management having applied its mind and looking into enquiry proceedings and past record has imposed punishment. The allegation action of management in suspending the employee is wrongful, illegal and unjustified is not correct and petitioner is put to strict proof of the same. In view of above this Hon'ble Tribunal may be pleased to dismiss the claim petition and confirm the order passed by the management.

4. The point for adjudication is whether the action of the Respondent in imposing punishment of 5 days suspension on Sri Acha Pedda Mallaiah is legal and justified?

5. Before going into the merits of this case this Tribunal passed an order on preliminary issue on 24-1-1994 holding that the domestic enquiry was held properly and it is not vitiated at all.

6. The case of the petitioner workman that Sri Acha Pedda Mallaiah was issued with a charge sheet dt 31-8-1985 alleging that on 30-8-1985 in 2nd shift, he refused to supervise in 2 Cross Cut and 3 Cross Cut in Salarjung seam in Zero Level in 2 seam and it is alleged that he has refused to see 2 seams is violation of Coal Mines Regulation 1957 and it amounts to misconduct under Company's Standing Orders No 16(1) and 16(19).

7. The contention of the Respondent Management that the workman Sri Acha Pedda Mallaiah refused to supervise the work given to him i.e. 2 Cross Cut and 3 Cross Cut in

Salarjung seam and Zero level in 2 seam and violated Coal Mines Regulations and also standing Orders of the Company in view of this misconduct while on duty on 30-8-85 management issued charge sheet dt. 31-8-85 under Standing Order No. 16(1) 16(19).

3. The case of the Petitioner workman that on 30-8-1985 in 1st Shift, the petitioner-workman was directed to see 2 Cross cut and 3 Cross Cut in Salarjung Seam and after distribution they went down and at about 6.30 P.M. shift Overman asked him to go and see Zero Level District in Cross Seam. He told them he is doing his work, and that one Mining Sirdar cannot see two sections and it is against the Safety of the Mine. Hence he is not at fault. Further he stated that the Overman in Salarjung seam 2 Drills are already engaged and since height and width of the seam is less and roof condition frequently becomes bad, hence regular supervision of Salarjung seam is required as per the Safety rules. The Petitioner workman also explained that in Salarjung Seam the Coal faces are sufficient hence there was no need for sending 2 Coal Fillers to Zero level 2 seam. The 2 badli fillers did not go to work in Zero level 2 seam hence coal cutters also did not go there and in these circumstances the question of going to Zero level 2 seam does not arise and no production was damaged nor the work in progress suffered. So in view of what has been stated by the Petitioner-Workman, I find that the Petitioner-workman was right in not going to supervise 2 Cross cut and 3 Cross cut in Salarjung Seam and Zero level in 2 seam and it is not in violation of Coal Mines Regulation 1957 and it does not amount to misconduct under Standing Order 16(1) and 16(19) of the Company's Standing Order, and the suspension of 5 days is set aside.

9. In the result the action on the part of the Management of M/s. Singareni Collieries Company Limited in relation to Boipalli No. I Incline in imposing punishment of 5 days suspension spreading from 15-4-1986 to 19-4-1986 on Sri Acha Pedda Mallaiah, Mining Sirdar vide Order No. BOP/86/S.C./773 dated 9-4-1986 is illegal and unjustified. The order of suspension for 5 days on Sri Acha Pedda Mallaiah is set aside and the Respondent-Management is directed to pay the wages of suspension of 5 days period.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 9th day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal—I

Appendix of Evidence

Witnesses Examined

for the Management :

M.W1—K. V. Subba Rao

NIL

Documents marked for the Management:

Ex. M1 20-5-85—True Copy of the Order dt. 20-5-85 of the Agent/BAA appointing K. V. Subba Rao as enquiry officer.

Ex. M2 31-8-85—Charge Sheet dt. 31-8-85 issued to Acha Pedda Mallaiah by the Colliery Manager, S.C.Co. Ltd., Boipalli No. I Incline

Ex. M3 11-9-85—Explanation dt. 11-9-85 to the Charge Sheet submitted by Achapeda Mallaiah to the Colliery Manager, S.C.Co. Ltd., Boipalli No. I Incline.

Ex. M4 9-9-85—Enquiry Notice dt. 9-9-85 issued to Achapeda Mallaiah by the Supdt. of Mines Boipalli No. I Incline.

Ex. M5 12-9-85—Enquiry Proceedings dt. 12-9-85.

Ex. M6 21-3-86—Enquiry report dt. 21-3-86.

Documents marked for the Workmen:

NIL

नई दिल्ली, 25 मार्च, 1994

का.आ. 986.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 18 के अनुसरण में, एस सी सी एल के प्रबन्धतांक के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/3/94 को प्राप्त हुआ था।

[सं. एल-22012/153/90-प्राई आर (सी II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 25th March, 1994

S.O. 986.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S. C. C. Ltd. and their workmen, which was received by the Central Government on 24th March, 1994.

[No. L-22012/153/90-IR (C. II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal—I.
Dated, the 9th day of March, 1994
Industrial Dispute No. 66 of 1990

BBTWEEN

The Workmen of GDK-6A and B Inclines,
Godavarikhani Area. ..Petitioner

AND

The General Manager, S.C. Co. Ltd.,
Godavarikhani Area. ..Respondent.

APPEARANCES :

M/s. G. Bikshapathi, G. Vidya Sagar, V. Viswanathan and N. Vinesh Raj, P. Giri Krishna—Advocates for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, M. A. Rao, S. A. Chari, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(153)/90-IR(C.II) dated 6th November, 1990 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of Singareni Collieries Company Limited, Area-I, Ramagundam Division and their workmen to this Tribunal for adjudication :

“Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., Area-I, Ramagundam Division, P.O. Godavarikhani, District Karimnagar (A.P.) is justified in denying lay-off compensation to the Coal Filler of GDK 6A/B Inclines, when there was breakdown of power supply in the Second Shift on 29th September, 1988 ? If not, to what relief the workmen concerned are entitled ?”

This reference was registered as Industrial Dispute No. 66 of 1990 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner workman read as follows :—That the management had stated that on 29th September, 1988 there was breakdown of main power supply at GDK 6A & B Inclines from the beginning of second shift (3.00 p.m. to 11.00 P.M.). It is also stated that the circuit feeding power to GDK-11A,

GDK-7 & 7A Inclines and GDK-6A & B Incline is common and the breakdown was at GDK 6A & B Incline. The management also stated that power would be restored before 5.30 P.M. to GDK 6A & B Incline. That the workmen of GDK 6A & B Incline waited at the mine premises with a view to go down the Mine in case power restored. As per the I.D. Act provisions, the management has to display lay-off notice within two hours of the commencement of the relevant shift when power breakdown etc. are occurred. The Mine Management of GDK-11A, GDK-7 & 7A Inclines were displayed lay off notice at their Mines and paid the lay-off muster to their workers as per statute. The Mine Management of GDK 6A & B Incline were also displayed lay-off notice at Mine premises after 5.30 P.M. since there was no purpose of waiting for power beyond the permissible time. After seeing the lay off notice, the workers of GDK 6A & B Incline were left the Mint premises after 5.30 P.M. That it is not correct on the part of the management that power was restored to GDK-6A and B Incline alone after 5.30 P.M. when feeding circuit is common for GDK-11A, GDK 7 & 7A Inclines. When it is common supply circuit, all the above said mines has to get the power supply at a time, but not alone GDK-6A and B Incline. Further the management agrees that there was no possibility of restoration of power supply to GDK-11A, GDK 7 & 7A Inclines before 8.00 P.M. It is evident that power was not restored to GDK-6A & B Incline also before 8.00 P.M. when it is common feeder circuit. That the management of GDK 6A & B Incline was “expected” to get the power before 5.30 P.M. on the assurance of workshop people, as mentioned in their views. It is only an expectation but not confirmation, and hence it is a doubtful. The management in their views stated that workers would get half muster free for lay off and why they should work. These are quite baseless and vague views. It is also mentioned that no discussion were taken place between the management and the workers if II shift of 29th September, 1988 and hence, it is only a creation of the management to overcome this situation. It is submitted that after seeing the lay off notice on the mine notice board, the workers of GDK 6A & Incline were left the mine premises. Without any discussion, after 5.30 P.M. and naturally they will get the lay off muster. The II shift workers, when they attended for their usual II shift on the next day, i.e. 30th September, 1988 asked the Mine management what about their lay off muster of 29th September, 1988. The management refused to pay lay-off muster. Afterwards the workers demanded the mine management for payment of lay off muster of 29th September, 1988 (II shift) and went on strike. It is in contravention to the provisions of law and the management is violating the statute provisions by not paying the lay-off muster though lay off notice was displayed. It is clearly understand that the II shift workers not left the mine as they like, but only after seeing the lay off notice displayed by the management. Further in the management's views, it is stated that to declare or not to declare lay off notice is upto their discretion, may be their discretion. But when lay off notice was declared, the management must pay the lay off muster to the concerned workers. It is justified to pay the lay off muster to the workers of II shift of 29th September, 1988 of GDK 6A & B Incline.

3. The brief facts of the counter filed by the Respondent-Management read as follows—On 29th September, 1988 there was a break-down of main power supply at GDK No. 11A Incline, GDK 7 & 7A Inclines and GDK 6A & B Inclines from the beginning of second shift. The circuit feeding power to all these mines is common and the break down was at GDK No. 11A Incline. On 29th September, 1988 when break down occurred in second shift beginning in GDK 6A & B Inclines, they contacted the Area workshop officials. The workshop officials intimated that the power will be restored within a short time. On the assurance given by the Workshop authorities the Mine Manager GDK No. 6A & B Incline informed the workers that the power would be restored before 5.30 P.M. and all the workers should wait on surface and that as soon as power supply restored they can go down the mine for normal duties. The main intention of the management is that the normal second shift timings are 3.00 P.M. to 11.00 P.M. i.e. for eight hours and if the power supply is restored by 5.00 P.M. the workmen can go down the mine and work for remaining six hours time of the shift to carry out the production process and minimise the loss. To make sure of continuous power supply all of them were asked to wait till 5.30 P.M. and the time rated workers and supervisory staff entered the mine by 5.30 P.M. whereas

the piece-rated workers refused to go down the mine and they demanded for lay off. Inspite of stating so and requesting them the piece-rated workmen have not chosen to go down the mine and they have made an illegal demand stating that the workmen in GDK 11A, 7 and 7A Inclines were declared lay off and that they were being paid lay of musters and they also should be treated in a similar way and that as they have waited for two hours they should be declared lay off for which the Mine Manager of GDK 6-A & B Inclines had not agreed to. It is submitted that the workmen of GDK 6A & B Inclines are not similarly placed like those of GDK 11A, 7 & 7A Inclines as the workshop authorities clearly intimated that they cannot restore the power supply to those mines immediately but they can restore power to GDK 6A & B Inclines. The allegation that there was no purpose for waiting for power beyond permissible time does not arise nor such allegation is correct. The allegation that there was no possibility for restoration of power supply to GDK 11A, 7 & 7A Incline before 8.00 p.m. on that day is correct because of that particular power line position. But the power supply was given so far as GDK 6A & B Inclines were concerned, and as such, the Union cannot draw adverse inference that as GDK 7 & 7A Inclines could not get power and as such GDK 6A & B Inclines also could not get power supply. It is well established principles of law whenever workman refused to work the principles of 'no work no pay' applies. It is true it is the discretion of the management basing upon the facts and circumstances of a particular day whether to declare lay off or not, whether to give lay off muster to the concerned workmen or to pay all back wages. On 3rd October, 1988 in 1st shift the Union made a demand for lay off wages. As such, the coal fillers went on strike from 3rd October, 1988 to 13th October, 1988. Thus there was production loss of 10 days only because of the petitioner Union. It may be noticed to declare lay off or not is a managerial function and it is within the discretion of the management. No work man has a right to want lay off. If lay off is declared workmen are entitled for half-day wage and it is not so they are entitled for full day wages. The entire material facts in the claims statement were written to suit to the convenience. Question of deducting lay off master in this case does not arise. This is not a case to make a demand for lay off muster or lay off compensation. When there was no lay off at all question of adjudicating a dispute on the ground whether management is denying the lay off compensation to the coal fillers of GDK 6A & B Inclines does not arise. In view of the above mentioned facts, it is respectfully submitted the petitioners are not entitled to claim the alleged lay off compensation when "no work, no pay" principle applies. Once again respondent management reiterates that no lay off was declared on 29th September, 1988 in second shift. When the question of lay off does not arise, justification of denying the lay off compensation also does not arise. In view of the above mentioned facts this Hon'ble Court may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the action of the Respondent is justified in denying lay off compensation to the Coal Fillers of GDK 6A & B Inclines, where there was break down of power supply in the second shift on 29th September, 1988.

5. W.W.1 was examined on behalf of the Petitioner and marked Ex. W1 only on its side. M.W.1 was examined on behalf of the Respondent and marked Exs. M1 to M11.

6. W.W.1 is Bandaru Satyanarayana. Their Union espoused this dispute. At that time he was the President of the Union and now he is the President of the Petitioner-Union. There is a common power circuit for GDK 11A, GDK 7 & 7A, GDK 6A & B Inclines. On 29th September, 1988 there was a power break down in the second shift, in all inclines mentioned above, at RG II RGI Area. The second shift timings are 3.00 P.M. to 11.00 P.M. On that day lay off compensation was paid to GDK 11A, GDK 7 & 7A Inclines. The lay off compensation was not paid to GDK 6A & B Inclines. On that day the lay off notice was displayed at GDK 6A & B Inclines. Workers are there at the Incline till 6.15 P.M. Power has restored after 8.00 P.M. The Union made a representation that as per the Mines Act the lay off notice was displayed and that the workers are entitled to lay off compensation. The Management did not pay the lay off compensation and there was a strike in the mine. Ex. W1 is the representation. The management did not agree of the demand

and conciliation ended in failure and the present reference is made. He prays that as GDK 11A, GDK 7 & 7A Inclines were given lay off compensation and lay off compensation may paid to GDK 6A & B Inclines.

7. M.W.1 is E. Ramachandran. He deposed in brief that he is working as Under Manager in GDK No. 6A Incline in the Respondent Company. He knows the facts of this case. On 29th September, 1988 in GDK 6A Incline there was strike in second shift by the coal fillers. The second shift timings are from 3.00 P.M. to 11.00 P.M. In the beginning of the shift from 3.00 p.m. to 5.30 p.m. there was power break down. The power was restored by 5.30 P.M. All the time-rated workmen went inside the Mine. Piece-rated workmen stayed on the surface, and demanded lay off wage. They stayed away and told him that they told him that 7 & 7A Inclines workmen are getting lay off wages similarly they have also should be paid. He consulted Divisional Engineer Workshop who in turn informed that they are already carrying the break down work and with 2-1/2 hours power will be resumed. As informed by the Divisional Engineer, the power was resumed by 5.30 P.M. In that shift 3.30 to 11 O'Clock there was no break down at all. There was no production took place in that shift and whatever production was done by the first shift people and left out quantity hauled up through the time rated employees. The second shift starts continued the strike from 30th September, 1988 for 10 days. Ex. M1 is the overman report. The cause for the strike was demanding for wage of 29th September, 1988 second shift without working. He has attended duty on the second shift during all these periods. Ex. M8 is the 'C' Register which indicate the man power strength of the mine as well as the musters. This register pertains to their shift only. In 'C' Register on 29th September, 1988 in second shift there was in muster of all the coal fillers and there was an endorsement that all the coal fillers refused to go down the mine at 5.30 P.M. on 29th September, 1988 from surface. The same endorsement is there upto 12th October, 1988. In Ex. M10 on 3rd October, 1988 to 10th October, 1988 the endorsement was made except essential staff all the workers went on strike. Ex. M11 is the statement prepared by him with regard to strike particulars of GDK 6A & 6B Inclines from 29th September, 1988 to 13th October, 1988. In view of the coal fillers strike no worker working in that mine and paid the salaries. They are having 132 KV Sub-station 10 Kms. away from their mine. This 132 KV Sub-Station caters to the need of all the mines. The 7 & 7A Inclines and 11-A Inclines power supply was resumed at 8.00 P.M. on that day. Overman, Sirdar and Shot Firers comes under essential staff who worked during this period and no workman was paid nor they raised the dispute. They have not taken any disciplinary action against any of the workmen because of the political pressure i.e. one Mr. Nalam Mallesh, MLA of that area belongs to Telugu Desam Party and because of all other unions request they have not taken any action. The total loss of production during the strike period was 16,200 tonnes.

8. The case of the Petitioner-workman that on 29th September, 1988 there was a break down of main power supply at GDK No. 6A & B Incline from the beginning of second shift i.e. at 3.00 P.M. The further allegation of the Petitioner is that the circuit feeding power to GDK 11A, GDK 7 & 7A Inclines and GDK No. 6A & 6B Inclines is common and the break down was at GDK No. 6A & B Inclines. That the Mint Management of GDK 11-A, GDK 7 & 7A Inclines were displayed lay off notice of their mines and paid the lay off muster to their workers as per statute. They claim that the same be paid the lay off musters to these workers i.e. GDK 6A & B Inclines also.

9. The allegations of the Respondent-Management is that on 29th September, 1988 when break down occurred in second shift beginning in GDK 6A & B Inclines they contacted the Area Workshop officials. The workshop officials initiated that the power will be restored within a short time. On the assurance given by the Workshop Authorities the Mine Manager GDK 6A & B Incline informed the workers that the power would be restored before 5.30 P.M. and all the workers should wait on surface and that as soon as power supply restored they can go down the mine for normal duties.

10. It is seen that there is a common supply circuit and it feeds to GDK 11-A, GDK 7 & 7A Inclines and GDK 6A & B Inclines. When once supply is stopped all the mines work breaks down since no supply is forthcoming. The

allegation of the Petitioner-workmen is that as per the Industrial Disputes Act, the Management has to display lay off notice within two hours of the commencement of the relevant shift when power break down are occurred. Following this provision, the Mine Management of GDK 11A, GDK 7 & 7A Inclines displayed lay off notices at their Mines and paid the lay off muster to their workers. The Mine Management of GDK 6A & B Incline also displayed lay off notice at Mine premises after 5.30 P.M. since there was no purpose of waiting for power beyond the permissible time. After seeing the lay off notice, the workers of GDK 6A & B Inclines workers left the mine premises after 5.30 P.M. It is not correct on the part of the Management to say that power was restored to GDK 6A & B Incline alone after 5.30 P.M. when the feeding circuit is common for all the Mines of GDK 11A, GDK 7 & 7A Inclines. When once it is a common supply circuit, all the above said mines have to get the power supply at a time but not alone GDK 6A & B Incline alone. It is also seen that the Management agreed that there was no possibility of restoration of power supply to GDK 11A, GDK 7 and 7A Inclines before 8.00 p.m. So when it is a common feeder circuit it is evident that power was not restored to GDK 6A & B Inclines also before 8.00 p.m. So when once the Mine Management of GDK 11A, GDK 7 & 7A Inclines displayed lay off notices at their Mines and paid the lay off muster to their workers as per statute, why the Management has discriminated in not paying lay off musters to the workers of GDK 6A & B Incline too, when there was common supply circuit for all the mines in that area. Further more that after seeing the lay off notice on the mine notice board, the workers of GDK 6A & B Inclines left the mine premises and naturally they have to get the lay off muster. When once lay off notice was declared, the Management have to pay the lay off musters to the concerned workers. So on a consideration of the facts and circumstances of the case, I am of clear view that the Management must pay the lay off muster to the workmen of GDK 6A and B Inclines also.

11. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division, P.O. Godavarikhani, District Karimnagar (A.P.) is not justified in denying lay off compensation to the Coal Fillers of GDK 6A/B Inclines, when there was break down of power supply in the second shift on 29th September, 1988. The Respondent-Management is directed to pay the lay off muster to IIInd shift of 29th September, 1988 of GDK 6A & B Inclines.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 9th day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Workmen:

W.W1—Bandaru Satyanarayana.

Witnesses Examined for the Management:

M.W1—E. Ramchundran.

Documents marked for the Petitioner/Workmen:

Ex. W1/28-12-88—Representation to the ALC with regard to payments of lay off muster to the workers of 6A & B Incline RG-I Area, Godavarikhani on 29th September, 1988 IIInd Shift-Reg.

Documents marked for the Respondent:

Ex. M1—Overman Report book, for the month of September, 1988.

Ex. M2—Overman Report book relevant page of relay B dated 29th September, 1988.

Ex. M3—Relevant page of Ex. M1 dated 29th September, 1988 of Relay-A.

Ex. M4—Relevant page of Ex. M1 dated 29th September, 1988 of Relay-C.

Ex. M5—Relevant page of Ex. M1 dated 30th September, 1988 First Shift Relay-C.

Ex. M6—Relevant page of Ex. M1 dated 30th September, 1988 second shift Relay-A.

Ex. M7—Overman Report Book of Ex. M1 shift 3rd Relay-B.

Ex. M8—C-Register for September, 1988—Ist Shift.

Ex. M9—C-Register for October, 1988—IIInd Shift.

Ex. M10—Overman Report of 30th October, 1988.

Ex. M11—Statement prepared by M.W1 with regard to strike particulars of GDK No. 6A & B Incline.

नई दिल्ली, 25 मार्च, 1994

का. आ. 987.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में एस सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके दर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/3/94 को प्राप्त हुआ था।

[सं. एल—22012/53/90-आई आर (सी-II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 25th March, 1994

S.O. 987.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd and their workmen, which was received by the Central Government on 24-3-1994.

[No. L-22012/53/90-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESLNT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated the 9th day of March, 1994

INDUSTRIAL DISPUTE NO. 50 OF 1990

BETWEEN :

The Workmen of S.C. Co. Ltd., Coal Chemical Complex, Naspur, Adilabad District, A.P.—Petitioner.

And

- (1) The Management of M/s. S.C. Co. Ltd., Coal Chemical Complex, Naspur, Adilabad District A.P.
- (2) R. Pradeep Kumar, Junior Operator, S.C. Co. Ltd., C.C.C., Muncherial.—Respondents.

APPEARANCES :

M/s. N. K. Annapurna Devi & G. Sundari Kumari, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates for the Respondents.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(53)190-IR(C-II) dated 9-7-1990 referred the following disputes under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni Collieries Company Limited, Coal Chemi-

cal Complex Naspur and their workmen to this Tribunal for adjudication :

"Whether the action of management of M/s. S. C. Co. Ltd., Coal Chemical Complex, Naspur not to promote Sri Dharani Laxminarayana, General Mazdoor is justified ? If not, to what relief the workman is entitled ?"

This reference is registered as Industrial Dispute No. 50 of 1990 and notices were issued to the parties.

2. The brief facts of the claims statement filed by the Petitioner-workman read as follows : The claimant was appointed as General Mazdoor on 1-6-1979. He has been working as an acting Plant Attendant from 26-6-1986. The Petitioner who is having S.S.C. qualifications applied for the written test, which was conducted on 30-10-1985 for the post of Plant Attendant (Junior Operator). As per the requirement, 5 posts were filed according to the merit list and three workmen, who stood next to the above 5 persons were kept under the panel list for filling up the future vacancies. One Sri Ganga Bhumaiah and M. V. Narasaiah were given promotion in the year 1986 as Plant Attendants and whose names were said to have been in the panel list. In the year 1987 G. Mallesham was promoted as Plant Attendant. As a result of mutual discussion, it has been agreed that the case of the claimant will be considered for promotion as Plant Attendant after test and interview subject to availability of vacancies, since the claimant concern has a clean record and is also having higher qualifications will get preference. Though both the parties agreed to this extent on 10-12-1986 agreement was entered into on 15-1-1987. On 23-10-1986 one Mr. R. Pradeep Reddy i.e. the second respondent herein was called for a test for CAT IV and interview for the post of Plant Attendant. The second respondent was first appointed in Category I on 24-10-1986. But he has been given promotion to Cat. IV i.e. as Plant Attendant w.e.f. 26-1-1987. After putting sufficient muster in one year, they will be confirmed in that post. But surprisingly contrary to the Company Rules, the second Respondent whose deceased father was not a wage board employee, was considered for employment that too as a Plant Attendant, which cannot be done as it is not a direct recruitment post. Hence conducting the promotion test for a candidate, who is not a workman by the date of the examination and subsequently taking him as a permanent employee and promoting him basing on the earlier test without considering the regular employee, who has been working as acting Plant Attendant, thereby denying the opportunity to eligible workmen, is bad. The action of the 1st Respondent in not considering the claimant for the post of plant Attendant though the claimant is having clean past record and possessing higher qualifications and working as acting Plant Attendant for the last several years, and not calling for application and not permitting him to appear along with the 2nd Respondent to the examination on 23-10-1986 and thereby putting the claimant under loss of losing an opportunity to appear on 23-10-1986 along with the 2nd Respondent is bad and illegal. Hence the claimant thereby prays that this Hon'ble Tribunal may be pleased to declare the action of the Respondent in not promoting the claimant as Plant Assistant and not calling for the claimant for the test which was conducted on 23-10-1986 along with the 2nd Respondent and also promoting the 2nd Respondent to CAT IV subsequent to the agreement dated 15-1-1987 as null and void and also direct the Respondent to promote the claimant to CAT. IV by giving all service benefits and seniority, back wages w.e.f. 26-10-1986 on which date as the claimant was denied the opportunity of promotion and pass such other orders as are deemed fit and proper.

3. The brief facts of the counter filed by the 1st Respondent read as follows :—According to the Company records it is Shri Dharani Lakshminarayana. He was appointed as General Mazdoor on 1-6-1979 and he is carrying out his duties as General Mazdoor in Cat. I. As he is possessing S.S.C. qualification as there was a sudden vacancy of Plant Attendant/Junior Operator, he was asked to work as Plant Attendant/Junior Operator on acting. Previously at C.C.C. the designation of Junior operator was called as Plant Attendant and it was re-designated as Junior operator. Bas-

ing upon their merit in written test and interview candidates are selected for junior operator post. Normally the practice for initial appointment is to the post of General Mazdoor and the employees discharging duties as General Mazdoor will assist the higher category people who are in Categories IV, V, VI and grades. To give a fair opportunity to all the eligible employees of various cadres basing upon their qualifications 24 eligible candidates were called for written test and interview, out of which 5 candidates who secured more marks were promoted as Plant Attendants w.e.f. 21-11-1985. The allegation that 34 candidates have applied for the post is not correct and it is only 24 candidates were called as they had basic qualifications. It is true that 5 persons were selected, three other persons were kept in the panel for future vacancies. Of them Sri Gampa Bhumaiah and Sri M. Venkatanarasiah were promoted with effect from 1-7-1986 and Sri G. Mallesham was promoted w.e.f. 1-1-1987. It is submitted in the Respondent there is a policy of providing job to one member of an employee who died while in harness so as the family is rehabilitated. It may be noticed one Sri R. R. Reddy, Senior Divisional Engineer, died while in service with heart-attack on 4-10-1986. His wife, Smt. Laxminarayana submitted an application requesting the management to provide employment to her son, Sri R. Pradeep Reddy. As a rehabilitation measure on humanitarian grounds and on the principle of a job to one of the dependents of employees died while in service. Sri R. Pradeep Reddy was provided employment. The second Respondent case cannot be compared with the general recruitment or general appointment and as stated earlier it has been given as his father died while in service. It may be noticed this petitioner in the general recruitment on 30-10-1985 sat for examination for the post of Plant Attendant vacancies and stood as 12th candidate in the order of merit and there was no vacancy in that line to promote him. As such, the allegation that he was not given opportunity on par with second respondent which is bad. Before any such promotion can be effect it is the duty of the management to consider the case of the employee concerned on the basis of relevant materials and record. It is submitted the petitioner cannot make a demand by virtue of this reference for promotion on the alleged ground whether the management not justified not to promote Sri Dharani Laxminarayana, General Mazdoor. The Respondent has not violated any agreement much less agreement dated 15-12-1986. The allegation that this Respondent violated agreement dated 15-1-1987 (alleged agreement) it is illegal and against the principles of natural justice is not correct. There is no such agreement as on 15-12-1986 as alleged in ground (2) and the petitioner is put to strict proof of the same. No rule was violated. He cannot be compared as Wage Board employee so far as the management is concerned the managerial staff and workers are employees only and they are governed by different rules. It is submitted the petitioner cannot pray for a declaration that the Respondent not promoting the claimant as Plant Attendant and not calling him for test conducted on 23-10-1986 along with the 2nd Respondent and also promoting the 2nd Respondent subsequent to the agreement dated 15-1-1987 is null and void is totally bad in law. As such the petitioner is not entitled to make a demand for promotion to Category IV giving all service benefits, seniority, backwages w.e.f. 26-10-1986. It is submitted no person can assume that he is senior, discharging duties and he is entitled for service benefits. It is well established principle of law by the Supreme Court the Courts cannot take up such responsibility and it is only the concerned officials who can assess the abilities of an employee to give promotion. There are no merits in the petitioner's case. In view of the above mentioned facts this Hon'ble Court may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the action of the Management not to promote Shri Dharani Laxminarayana, General Mazdoor is justified or not ?

5. W. W-1 was examined on behalf of the Petitioner and marked Exs. W-1 to W-3. M. W-1 and M. W-2 were examined on behalf of the Respondent and marked Exs. M-1 to M-14.

6. W. W-1 is one Dharani Laxminarayana. In brief he deposed that he joined the Respondent as general mazdoor on 1-6-1979. He worked as acting Plant attendant from 26-6-1986. He attended the Plant Attendant Test on

30-10-1985 and oral test was conducted on 2-11-1985. In all 24 candidates attended the said test. 8 posts of Plant Attendants were filled up. Gampa Bhoomaiah and M. V. Narasaiah were promoted as Plant Attendants from 1-7-1986. G. Mallesham was promoted as Plant attendant from 1-1-1987. He submitted a representation to the management on 10-12-1986 requesting the management to give him the promotion to the post of Plant Attendant. As a result of the said representation, an agreement was entered into between himself and the management and the copy of the said agreement is Ex. W-1. Before conducting the plant attendant's test, a notice will be given to the workmen and he was not given such notice, for conducting the test on 23-10-1986. He does not know how many candidates attended for the test conducted on 23-10-1986. He does not know when R. Pradeep Reddy attended for the test of Plant Attendant. R. Pradeep Reddy was taken as general mazdoor on 24-10-86. Later he was promoted to IV category as Plant Attendant on 26-1-87. He prays the Court to pass an award declaring the action of the Respondent in not promoting him as Plant Attendant and not calling him for the test which was conducted on 23-10-1986 along with R. Pradeep Reddy and also promoting him to Cat. IV subsequent to the agreement in Ex. W-1 as null and void and also to direct the Respondent to promote him to Cat. IV by giving all service benefits and seniority, back wages w.e.f. 26-10-1986.

7. M.W-1 is D. Satyanarayana. In brief he deposed that he know the facts of this case and W.W-1. W.W-1 was appointed as General Mazdoor on 1-6-1979 in the Respondent. As per the records, his educational qualifications is that he has passed S.S.C. The designation of Plant Attendant is changed as Junior Operator in the year 1989. Earlier the educational qualification fixed for Junior Operator is Intermediate pass. To give preference to Coal Chemical Complex employees, the educational qualifications for the post of Junior Operator is changed to S.S.C. passed with four years experience as general mazdoor. The procedure adopted for selection of Junior operators is to call for applications from outsiders having intermediate qualifications and from the service candidates of the Respondent Company with S.S.C. pass and having four years experience as general mazdoors. A selection of Junior Operators was held on 31-10-1985 and in that selection only departmental candidates were called for test and interview and the outsiders were not called for. Ex. M-1 is the list of candidates and marked awarded who attended in the interview and trade test. Shri D. Laxminarayana as per the marks list his Sl. No. is 14. In this test, only 8 candidates were selected. Shri D. Laxminarayana is in the order of merit is 12th in the list. Shri D. Laxminarayana got only 56 marks. Ex. M-3 is the proceeding of interview. There was no settlement between the Management and Union about Shri D. Laxminarayana's case. Under Ex. M-7 and M-8 Management agreed to consider Shri D. Laxminarayana's case along with the other two general mazdoors for conducting the test basing on available vacancies. By 1989 the policy itself has been changed and an expert committee looked into it and changed the grade. No tests were conducted on 23-10-1986 as alleged by the Union. On 19-1-1992 to all the eligible candidates a test was conducted for the Junior Operators. Shri D. Laxminarayana appeared for the test. In order of merit, he stood first. All the candidates who got selected in the test are taken as Jr. Operator trainee and one year training will be taken. After satisfaction of his performance in the said training he will be given the post of Jr. Operator. Now he has completed training and he has to get the posting of Jr. Operator. No reservation has been made by the workmen while he was appearing for the test.

8. M.W-2 is S. Vijaya Kumar. In brief he deposed that he is working as Senior Divisional Engineer in Coal Chemical Complex for the last 20 years. He is aware of the facts in this case. An agreement was entered into between the management and the Unions with a regard to provide the jobs to the children of deceased employees. Keeping in view of the circumstances, of the case, management has given to rest the children of employee who died in harness or died in accident in the mine outside the mine during the course of employment & the children of the employees who were discharged on medical grounds, because are medically unfit. So far as S. C. Management is concerned employee means officers as well as workers. So far as officers are concerned they have officers Association and there is no conflict of opinion

among officer as like union and whoever compassionate appointments have to be given for deserving cases. In case of R. Pradeep Reddy they have first posted him as General Mazdoor. Later they gave the post of Jr. Operator as he was qualified for that post. There is no compassionate appointment whether seniority will be checked by giving this post. Pradeep Kumar being one bread earner of the family they have given him post on compassionate grounds. Mr. Laxminarayana is not on the compassionate grounds. Mr. Laxminarayana is not compared the case on compassionate ground with Pradeep Reddy. Ex. M-14 is the seniority list dated 30-10-1985. There is no selection list is always continued for promotion. It was prepared in 1985 when test was conducted 1985. This implement is alive only till panel gets lapsed that is 8 people got selected and promoted to Category IV as Plant Attendant/Jr. Operator.

9. The petitioner workman is appointed as General Mazdoor on 1-6-1979 and he has been working as acting as Plant Attendant from 26-6-1986. Petitioner passed S.S.C. and eligible for the post of Plant Attendant. When a notification was issued, he applied for the same and he appeared for the test conducted on 30-10-1985. 24 candidates appeared and 5 posts were filled up according to the merit list and 3 people were kept in panel for filling up the future vacancies. The petitioner raised a dispute regarding his promotion to the post of Plant Attendant and discussions took place on 10-12-1986 and it was agreed in mutual discussion that the case of the petitioner was considered for promotion after interview subject to the availability or vacancy. This is evidenced by Ex. M-7 and M-8. In the meanwhile on 23-10-86 one Mr. R. Pradeep Reddy was called for test for category IV and interview for post of Plant Attendant. Curiously the next day itself i.e. 24-10-1986 he was appointed as General Mazdoor Cat. I and he has been given promotion to the Plant Attendant, i.e. Cat. IV on 26-1-1987 without considering the candidature of the claimant and by passing the Agreement dated 15-1-1987 which was entered into in pursuance of discussions held on 10-12-1986. Hence the reference. Admittedly the procedure adopted for selection for the post of Junior Operator is calling for applications from outsiders having Intermediate qualifications and from the in service candidates of the Company with S.S.C. passed and having four years of experience as General Mazdoor. Admittedly as on 21-11-1985 there were available 12 vacancies but the management filled up only 5 vacancies and the claimant was working as Plant Attendant from 26-6-1986 because of the vacancies. Then he raised the dispute claiming for promotion as Plant Attendant and the management has agreed vide Exs. M-7 and M-8 that he will be considered as and when vacancies arise. The very fact of filling up the Plant Attendant Post with R. Pradeep Reddy on 26-1-1987 by passing the agreements Ex. M-7 and M-8 shows that there was a vacancy. R. Pradeep Reddy is not eligible to be appointed on compassionate grounds since there is no rule or circular in the Respondent Management providing to make an appointment to the children of the deceased executive. First of all R. Pradeep Reddy, being the son of the executive, is not entitled to be appointed on compassionate grounds. Moreover Pradeep Reddy was not even asked to appear before the Committee constituted for this purpose to assess his eligibility and qualifications for providing employment. He was simply asked to appear for the test on 23-10-1986. Then he was appointed as General Mazdoor in Class IV. It is clear that when the papers were corrected and when the interview was conducted. Immediately after the examination on 24-10-1986 itself he was appointed as General Mazdoor. It is pertinent to note that the Management stated in its evidence that the test on 23-10-1986 was conducted only for the post of Plant Attendant. It is seen that unless Pradeep Reddy is appointed as General Mazdoor and completed 4 years as General Mazdoor how can a test being conducted for the post of plant Attendant. Moreover even if Pradeep Reddy is also considered as outsider, he was not having Intermediate qualification, since admittedly the management stated in its evidence that the qualification prescribed for the post of Plant Attendant, in case of outsider is Intermediate. Admittedly as per the evidence of the management that the qualifications prescribed for the post of Plant Attendant for in service candidates are pass in S.S.C. and 4 years experience as General Mazdoor. But in this case the Management violated the rule and gave promotion to Pradeep Reddy who was a General Mazdoor of hardly 2-1/2 months experience. So the case of Pradeep Reddy clearly indicate that there was vacancy for the post

of Plant Attendant even by the date of agreement Exs. M-7 and M-8 and the Management with a view to fill up with their interested candidates, ignored the candidature of Petitioner and by-passing the rules and regulations and circulars of the Company. The Management simply stated that the case of the Pradeep Reddy cannot be compared with any one because his father died while in service and he need not appear before the Committee for scrutinising his qualifications and eligibility. When there is no rule of circular entitling the appointment on compassionate grounds for the children of deceased executive, it is very surprising to know from the mouth of the management that there is no bar, prohibiting them to do all these things. Without any rule or circular which empowers them to do any particular and if they do so, such act is void and illegal acts. The case of appointment of R. Pradeep Reddy as Plant Attendant on 26-1-87 who was having 2½ months experience as General Mazdoor, by ignoring the other eligible candidates like claimant and by passing and giving a go-bye to the agreement Ex. M-7 and M-8 clearly goes to show that though there was vacancy as on 26-1-1987 when Pradeep Reddy was promoted as Plant Attendant, the petitioner was ignored and thereby the management caused great loss to the Petitioner. Subsequently in the year 1992 when the test was conducted the claimant stood first and again when the Management ignored to give promotion to the petitioner as Plant Attendant, was constrained to file W.P. No. 1897/92 and the petitioner was promoted by virtue of the direction given by the Hon'ble High Court. So on a consideration of all the facts and circumstances of the case, I am of the clear view that the Petitioner is entitled to be promoted as Plant Attendant post with effect from 26-10-1986 on which date the Petitioner was denied to appear for the test along with Pradeep Reddy.

10. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Coal Chemical Complex, Naspur not to promote Sri Dharani Laxminarayana, General Mazdoor is not justified. The Respondent Management is directed to promote Sri D. Laxminarayana to Cat. IV to the post of Plant Attendant with effect from 26-10-1986 with all the service benefits and seniority and also pay back wages and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 9th day of March, 1994.

Y. VENKACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on behalf of the Petitioner-

Workman :

WW-1—D. Laxmi Narayana.

Witnesses Examined on behalf of the Respondent-

Management :

MW-1—D. Satyanarayana.

MW-2—S. Vijay Kumar.

Documents marked for the Petitioner-Workman

Ex. W-1/15-1-87—Copy of the National agreement between the Management of S.C. Co. Ltd., C.C.C. and their workmen represented by the Vice President, S.C. Workers Union, C.C.C. with regard to promotion as Plant Attendant to Sri Dharani Laxminarayana, Acting Plant Attendant C.C.C.

Ex. W-2/2-2-91—Photostat copy of the proforma of the notice given to the workmen before conducting the plant attendant's test.

Ex. W-3/1-4-87—Photostat copy of the Circular issued by the Chairman and M.D., S.C. Co. Ltd., Kothagudem Collieries with regard to appointment of dependents of Non-Executives dying hardness/medically unfit.

Documents marked for the Management

Ex. M-1—Merit list.

Ex. M-2—List of Employees on order of merit and marks appeared for Plant Attendant/Junior Operator post on 21-11-1988 in order of merit.

Ex. M-3—Proceedings of interview.

Ex. M-4—Office Orders issued to the employees selected in the above list.

Ex. M-5—Office Orders issued to the employees selected in the above list.

Ex. M-6—Office Orders issued to the employees selected in the above list.

Ex. M-7—Minutes of discussions held on 10-12-1986.

Ex. M-8—Minutes of discussions held before the ACL.

Ex. M-9—Office Orders issued to Sri R. Pradeep Reddy.

Ex. M-10—Office Orders issued to Sri R. Pradeep Reddy.

Ex. M-11—Xerox copy of the Marks list.

Ex. M-12—Office copy of the office order issued to B. Laxminarayana.

Ex. M-13/10-9-91—Appointment order given to Miss A. Bharathi.

Ex. M-14—Security list of Employees who were not selected for junior operation post—Test conducted on 30-10-85.

नई दिल्ली, 25 मार्च, 1994

का. आ. 988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में एस सी सी एन के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/3/94 को प्राप्त हुआ था।

[सं. एल-22012/325/89 आई आर (सी II)]

राजालाल, डैरेक अधिकारी

New Delhi, the 25th March, 1994

S.O. 988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 24-3-1994.

[No. L-22012/325/89-IR (C-II)
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 2nd day of March, 1994

Industrial Dispute No. 27 of 1990

BETWEEN

The Workman of S.C. Co. Ltd. Bellampalli, Adilabad Dist. ... Petitioner

AND

The Management of S.C. Co. Ltd., Bellampalli, Adilabad Dist. ... Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate—for the Petitioner.

M/s. K. Srinivas Murthy and G. Sudha, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. I-22012(325)89-IR (C-II) dated 24.4.1990 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni Collieries Company Limited, Bellampalli and their Workmen to this Tribunal for adjudication :

"Whether the action of the Management of M/s. S.C. Co. Ltd., Bellampalli in not paying house rent allowance to the workmen who are residing in Single room tenements and golbungallow area, Bellampalli is justified? If so, to what relief the workmen are entitled?"

This reference is registered as Industrial Dispute No. 27 of 1990 and notices were served on both the parties.

2. The brief facts of the claim statement filed with the Petitioner-workmen read as follows :—

It is submitted that the National Coal Wage Agreement (NCWA) which came into effect from 1-1-1979 has provided, in Clause No. 8-3-1, the Payment of house rent allowance (HRA) to the workmen who are not allotted any company quarters or residing in such quarters which do not have the latrines and bath rooms. The same has been reiterated in Clause No. 8-2-2 in NCWA-III as follows :

"8-2-2. The payment of HRA will be regulated as per the provisions contained in NCWA-II. Employees who have been allotted Single room or Arch type tenements will, however, be entitled to HRA if these houses are not provided with separate or common latrine and bath room".

The NCWA-IV also reiterated the above benefits to the workmen to Clause No. 8-2-2. It is submitted that in Bellampalli Town there are about 3000 quarters which are known as single-room tenements (S.R.T.) and golbungallow types which do not have latrines and bath rooms. It is submitted that all these quarters were constructed earlier to 1959. It is submitted that the workmen who lived or living with families in the said S.R.T. and Golbungallow type No. 8-3-2 of NCWA-II w.e.f. 1-1-1979. It is submitted that the provisions of NCWA-II, III and IV are clear and as per which all the workmen who lived or living at present in S.R.T. or Golbungallow quarters which have no latrines and bath rooms are entitled for the benefits of H.R.A. It is submitted that the management also did not dispute the provisions before the Conciliation Officer. But the Management took a plea S.R.T. and Golbungallow quarters were provided with bath rooms and latrines at the time of allotment but they were used for different purposes and were dilapidated and hence the workmen are not entitled for HRA. It is submitted that the said S.R.T. and Golbungallow-type quarters were never provided with latrines and bath rooms at the time of construction itself at a later stage. That even if the plea of the Management is accepted for argument sake, the bath rooms and latrines were provided in the quarters but they sinkdown later which means the bath rooms and latrines were not in existence. Therefore the workmen are entitled to the HRA as provided in NCWA-II, III and IV w.e.f. 1-1-1979. That the workmen are living with families in the said S.R.T. and Golbungallow type quarters which have a single room to live and without latrines and bath rooms and suffering a lot. Thereto add to this misery, the Management denied the benefit of HRA which they have agreed to pay in the Wage Board which amounts to violation of NCWA-II, III and IV. It is prayed that this Hon'ble Tribunal be pleased to pass an award holding that the workmen who lived or living in the S.R.T. and Golbungallow quarters in Bellampalli are entitled for HRA as per the NCWA-II, III and IV w.e.f. 1-1-1979.

3. The brief facts of the counter filed by the Respondent Management read as follows :—

The Respondent Company being public sector undertaking and carrying on coal mining operations in four districts, it was constructed the quarters to facilitate the workmen to stay. In Bellampalli area of places called Golbungallow etc. single room tenements were constructed 50 years back. At that time itself the Company also constructed community latrines and bath rooms and they have been allotted to the workmen. The quarters allotted to the

workmen at Golbungallow area etc. at the initial years the occupants made use of the community latrines and bath rooms. When the dispute was raised the Asst. Labour Commissioner (Central) Mancherial came and inspected the material facts and found that the bath rooms and latrines provided by the management were made misuse of the occupants of the quarters. What the petitioner seeking in this case is to implement National Coal Wage Agreement II. Even prior to NCWA-III itself that provisions has been made and community latrines and bath rooms were constructed. The employees illegally encroached and made unauthorised constructions and occupied them but now they are again asking for House Rent Allowance which is bad in law. It may be noticed the NCWA-III is having prospective effect but not retrospective effect. Clause 8-2-2 of NCWA-III contemplates that employees who have been allotted single-room or arch type tenement will, however, be entitled to HRA if these houses are not provided with separate or common latrine and bath room. The National Coal Wage Agreements II, III and IV clearly indicate where single room tenements are there and where management has not provided, community bath room and latrines, to those employees HRA is to be paid. The allegation all the workmen occupying 3,000 quarters earlier to 1959 are entitled for HRA is not correct and they are entitled for it, nor are the Clauses 8-3-1 of NCWA-II and Clause 8-2-2 of NCWA-III applicable to their case. The Management is not disputing with regard to the provisions of NCWAs, but it is disputing with regard to the implementation where the common latrines and bath rooms were already provided and as such the workmen are not entitled for HRA. The petitioners are estopped to make a demand as the NCWAs II, III and IV have been implemented all these years. It is submitted that if the workmen are living without bath rooms and latrines and suffering a lot, that cannot be substituted by paying House Rent Allowance, but it can only be substituted by constructing bath rooms and latrines. As such, this Hon'ble Court may give a direction to the Members, Union and 3,000 workmen who are occupying the quarters to hand over to the management the community bath room and latrine which they are illegally occupied, to enable the management to construct again the bath rooms and latrines even though it incurs additional expenditure. In view of the above mentioned facts this Hon'ble Court may be pleased to reject the reference with appropriate directions and also with exemplary costs as this I. D. is one of frivolous in nature filed only to harass the management.

4. The point for adjudication is whether the action of the Respondent in not paying house rent allowance to the workmen who are residing in single room tenements and golbungallow area is justified or not?

5. WW-1 to WW-4 were examined on behalf of the Petitioner workmen and marked Ex. W-1 to W-4. MW-1 and MW-2 were examined on behalf of the Respondent Management and marked Exs. M-1 to M-27 on its side.

6. WW-1 is P. Gattayya. In brief he deposed that he is now the working President of the Union. Prior to 1985 he was the Organising Secretary. The House Rent Allowance facility was accorded to the workmen from 1-1-1979 by virtue of NCWA-II under Clauses 8-3-1 and 8-3-2 of the said agreement. As per the said clauses the workmen to whom the quarters are not allotted and to whom quarters without bath room and lavatory are allotted, are eligible and entitled for drawing house rent allowance. S.R.T. and Golbungallow, type quarters are not provided with bath rooms and lavatories and there are about 3,000 quarters of such types in Bellampalli area. He has submitted an application dated 16.9.1981 to the General Manager of the Respondent requesting to pay the HRA to the residents of S.R.T. and Golbungallow type of quarters. The office copy of the said application is Ex. W-1. The Management did not pay the HRA to the residents of those quarters even after submitting Ex. W-1 representation. During the course of conciliation proceedings, the Management represented to the Conciliation Officer that the said quarters are provided with bath rooms and lavatories. As their request, the concilia-

tion Officer visited the said quarters and found that no bath rooms and lavatories were provided to these quarters. The Conciliation Officer advised the Management to pay the HRA to the residents of those quarters, but the Management did not pay the HRA even thereafter. Thus the conciliation failed and the Conciliation Officer, submitted his failure report dated 25-10-1989 and a copy of it was marked to their Union, and the said copy is Ex. W-3. They pray the Court to pass an award directing the management of the Respondent to pay the HRA to the residents of S.R.T. and Golbunglow quarters with effect from 1-1-1979.

7. WW-2 is K. P. Venkay. He deposed that he was allotted quarter No. SRT 25 in Boordigadda Basti and he has been residing in the said quarter since 1970. There is no bath rooms and latrine to the quarter under his occupation by the date he occupied that quarter and even to this day. Bath rooms and latrines are not provided to any other SRT type and Golbunglow type quarters in Boordigadda Basti. There are about 5000 quarters of these types in Bellampalli Area. The Labour Commissioner visited these quarters after conciliation proceedings were initiated and he found at the time of his visit that there were no bath rooms and lavatories to these two types of quarters namely SRT and Golbunglow types of quarters.

8. WW-3 is Balle Rajinouli. He deposed that he was allotted SRT Quarter No. 243 a single tenement quarter by the Respondent in Bellampalli Basthi in the year 1963, and he is residing in the said quarter ever since then. The said quarter was previously allotted to his father in the year 1930 and they have been residing in the same quarter every since then. As his father involved in an accident and became unfit he was given the job in the place of his father and the same quarter was also allotted to him in the year 1963. From the beginning i.e. 1933 these quarters are not provided with bath rooms and lavatories. Bath rooms and lavatories were not provided to SRT quarters and to the Golbunglow type of quarters. There are about 3000 quarters of these two types in Bellampalli area. There are no community common bathrooms and lavatories provided to these two types of quarters. The Asst. Labour Commissioner visited their quarters in November 1989 and he also found that these two types of quarters are not provided with bathrooms and lavatories and also with community common bathrooms and lavatories to these two types of quarters.

9. WW-4 is Fanagunti Rajam. He deposed that he has been working as Fan Operator in the Respondent since 1970. He was allotted quarters SRT No. 8 of single room tenement in Subashnagar Basti in 1989 and even since then he is residing there. The said quarter, was originally allotted to his father and later it was allotted to his elder brother in the year 1965 and later to him in the year 1989. Bathrooms and latrines are not provided to these quarters right from the beginning. There are no common bathrooms and latrines provided to the residents of SRT Quarters and Golbunglow quarters in Bellampalli area. There are about 3000 quarters of SRT and Golbunglow type in Bellampalli area.

10. MW-1 is K. Venkata Rao Setty. In brief he deposed that he knows the fact of this case. The Respondent constructed different types of quarters in Bellampalli Area for the employees of the Respondent. The types of quarters constructed are known as 'A', 'B', 'C' and 'O' and single Room tenements and Golbunglow type. The single tenement quarters and Golbunglow which are also single room tenements in Bellampalli are/were constructed about 40 years back, before independence. For single room tenements, the bath rooms are provided within the quarters itself and community latrines were constructed for these quarters. For Golbunglow each quarter was provided with separate latrines outside the quarter within a distance of about 8 feet. The present residents of golbunglow tenements converted the latrines for their own purpose and constructed rooms around the latrines and using the same and they are not using the latrines for the purpose it was constructed. Some of the community latrines in single tenements known as SRT quarter were occupied by the surrounding residents and demolished them and constructed some rooms as per their convenience and using the same for their convenience and some of the community latrines are still being used as community latrines by the residents of those quarters. Ex. M-1 is the blue print copy of the site plan of Bellampalli area township of the entire Bellampalli Area Township. The SRT quarters are shown in red colour in Ex. M-1.

The community latrines of SRT quarters are marked in green ink. The golbunglow quarters were noted as round huts in Ex. M-1, Ex. M-2 is the separate blue print copy of Golbunglow tenements plan. It is not correct to state that the management of the Respondent did not provide latrines to single tenement of SRT quarters and golbunglow quarters and therefore they are entitled for HRA. Ex. M-4 is the photostat copy of the circular dated 28-1-1984 issued by the Chief Executive Director, Singareni Collieries Company Limited, Kothagudem to all PIs and Departments of all Collieries with regard to the eligibility of HRA to the employees. The employees who are provided with quarters are not eligible to draw HRA. Ex. M-7 to M-9 are the photostat copies of relevant portions of the National Coal Wage Agreements II, III and IV respectively. The workmen involved in this I. D. are not eligible to draw HRA even according to the Exs. M-7 to M-9. The Respondent is not prepared to pay HRA if the occupants of the quarters do not vacate the illegal occupied areas and demand for HRA in lieu of the amenity of providing latrines. At present the Respondent is running in loss of more than Rs. 400 crores. Inspite of the fact that the Respondent is running in loss, it is prepared to provide the amenity by reconstructing the community and individual latrines provided illegal occupants of those area vacated and hand over the site to the Respondent.

11. MW-2 is P. A. V. V. S. Sarma. In brief he deposed that he is aware of the facts of this case. Golbunglow quarter is Bellampalli were constructed about 50 years back. Ex. M-11 is the copy of the plan relating to the single room tenement, quarters. The bathrooms and lavatories were constructed at a distance of 8 feet for each Golbunglow quarter. They have taken photos of Golbunglow quarters showing the present existence along with the alterations etc. and the positives of the said photos along with the negatives are Exs. M-12 to M-22. Ex. M-23 is the plan prepared showing the additional made by the residents. SRT quarters were constructed in or about 1956, and they were constructed in the area leased to the Respondent for mining operation and it was not part of any panchayat area. Common bathrooms and lavatories were constructed for the use of the residents of those quarters. The residents of those quarters were not using those bathrooms and lavatories. I. D. No. 71/87 is pending on the file of this Tribunal for dismissal of Sri Konda Chalamajah from service in the disciplinary action taken against him for illegal constructions made by him to the quarter under his occupation. The Respondent is not liable to pay HRA on the ground of not providing bathrooms and latrines since the bathrooms and latrines were already constructed and provided to them for their use. The accumulated loss and the working results of the respondent are indicated at page No. 3 in Exs. M-26 and M-27. In Golbunglow are far each and every individual quarters, bathrooms and lavatories are provided within the premises to provide the basic amenities they have constructed bathrooms and lavatories for each and every quarter. They cannot be measured in terms of money. Because of prevailing law and order situation in that area, the management could not take any legal action as such they have constructed communal lavatories and bathrooms for the workmen in that area to meet the basic amenities.

12. The Petitioner-workman claim that as per the National Coal Wage Agreement No. II which came into effect from 1-1-1979 as provided in Clause No. 8.3.1 the workmen who are residing in single room tenements or arch type tenements are entitled for House Rent Allowance if these houses are not provided with separate or common latrines and bathrooms and that the said provisions is continued in later agreements namely NCWA-III and IV in Clause 8.2.2 and that the said clauses are extracted in Exs. M-7, M-8 and M-9 respectively and that there are about 3000 quarters which are known as Single Room Tenements (S.R.T.) and Golbunglow type (GBT) which are without latrines and bathrooms and were constructed some wherein 1959 and the workmen resided in the said quarters are entitled for HRA as per the above NCWAs. but the Respondent failed to pay the HRA.

13. On the other hand the Respondent Management resisted the claim of the petitioner workmen stating that the said SRT and GBT quarters were provided the latrines and bathrooms but these were misutilised by the workmen and thus the workmen are not entitled for any HRA.

14. Now at the very outset, this Tribunal has to decide whether the SRT and GBT have been provided with latrines

and bath rooms before deciding the issue whether the workmen who are residing in SRT and GBT Quarter are entitled for HRA or not ?

15. The records would reveal that the undisputed facts are the SRT and GBT quarters are about 3,000 in number situated in 11 Basins of Bellampalli and they were constructed about 40 or 50 years back and they are all allotted to workmen of the Respondent who work in different mines in Bellampalli Area itself. In one breath the workmen who were examined before this Tribunal stated that the SRT and GBT were not at all provided with bathrooms and latrines right from 1930 and that the Conciliation Officer visited the said quarters and found that no latrines and bath rooms. The Respondent put a suggestion to all witnesses i.e. WW-2, WW-3 and WW-4 that the Conciliation Officer found the bath rooms and latrines which were denied and the MWs. 1 and 2 were not in a position to tell when the quarters. Further no management witness speak about the visit of Conciliation Officer. Further it is seen that MW-1 himself said that bathroom and latrines were not seen by him in existence. MW-2 says he has seen common bathrooms and latrines but not when they were used. He also stated he used to visit the workers colonies from 1963 to 1974 but cannot say how many quarters are there in each type of quarters which goes to say that MW-2 was clearly giving false evidence. He cannot name the number of quarters of the photograph in Exs. M-12 to M-22 filed by him. Therefore I find that no weight can be given to the Exs. M-12 to M-22. Further Ex. M-19 and M-20 pertains to Pit Head bath which is meant for the Mine workers when they go for work. Ex. W-4 letter and Exs. W-5 and W-6 photographs clearly speak that the Pit head bath was converted into school and given to Z. P. School. The Respondent also tried to put a plea that the bath rooms and latrines were dismantled by the workmen and used for any other purposes which I do not agree. And that both the MWs. 1 and 2 were not in a position to tell when the illegal occupations occurred, and that they could not establish why the company could not initiate any action against such illegal occupants. Further I do not believe due to disturbances from 1984 the Management could not take action. It is seen that MW-1 clearly said right from 1975 he did not see bathrooms and latrines. As evident the Respondent in their counter statement as well as through the evidences of MW-1 and MW-2 clearly mentioned that they are ready to provide amenities but not ready to pay HRA which this clearly indicate to show that the SRT and GBT quarters are not having any latrines and bathrooms. Therefore it is undoubtedly proved that the SRT and GBT quarters in Bellampalli area are not provided with the latrines and bathrooms. Hence I find that the workmen who are residing in SRT and GBT quarters of Bellampalli Area are entitled for HRA in terms of National Coal Wage Agreement II, III and IV and subsequent agreement from 1-1-1979.

16. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Bellampalli in not paying house rent allowance to the workmen who are residing in Single Room tenements and Golbunglow area, Bellampalli is not justified. The Respondent-Management is directed to day the House Rent Allowance in terms of National Coal Wage Agreements II, III and IV or subsequent agreement from 1-1-1979 to all the residence of SRT and GBT Quarters in Bellampalli Area forth with.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 2nd day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on behalf of the Petitioner/ Workmen :

WW-1—P. Gattayya.
WW-2—K. P. Venkata.
WW-3—B. Raja Mogil.
WW-4—E. Rajam.

Witnesses Examined on behalf of the Respondent/ Management :

MW-1—K. Venkata Rai Sethy.

MW-2—P. A. V. V. Sarma.

Documents marked for the Petitioner/Workmen

Ex. W-1/16-9 81—Copy of the letter addressed by the Organising Secretary, Singareni Coal Mines Karmik Sangh, Bellampalli to the General Manager, S.C. Co. Ltd., Bellampalli with regard to Non-implementation of HRA of NCWA-II.

Ex. W-2/10-1-89—Copy of the letter addressed by Sri Peduappalli Gattayya, Singareni Coal Mines Karmika Sangh, Bellampalli to the General Manager, S.C. Ltd., Bellampalli with regard to payment of house rent allowance to the workmen who are residing in Sri SRT and Golbunglows, Bellampalli.

Ex. W-3/25-10-89—Copy of the minutes of the conciliation proceedings held at Bellampalli between the Management of S.C. Co. Ltd., Bellampalli (P) Area and their workmen represented by the S.C. M.K. Sangh (B.M.S.), Bellampalli, over non-payment of HRA to SRT and Golbunglow residents, Bellampalli before Asst. Labour Commissioner (C), Mancherial, Camp, Bellampalli.

Ex. W-4/6-4-81—Xerox copy of the letter addressed by the Dy. C.E. (Civil) Bellampalli by the H.M.Z.P.H.S. No. 2 Incline, Bellampalli.

Ex. W-5 and W-6—Pit Head Box photos.

Ex. W-7 and W-8—Negatives of Ex. W-5 and W-6.

Ex. W-9—Booklet of Magazine Singareni Varthalu—May 1990.

Documents marked for the Respondent-Management

Ex. M-1—Blue Print copy of the Site Plan of entry Bellampalli Area township.

Ex. M-2—Separate Blue Print copy of Gole Bunglow plan.

Ex. M-3/6-1-1979—Office copy of the Quarter allotment to G. Komariah.

Ex. M-4/28-1-1984—Xerox of the circular with regard to eligibility of HRA to employees.

Ex. M-5—Views of the Management before Conciliation Officer.

Ex. M-6/25-10-1989—Copy of Conciliation Proceedings.

Ex. M-7 to M-9—Photostat copy of the relevant portions of coal wage agreement II, III, IV respectively.

Ex. M-10—Plan of approval of construction.

Ex. M-11—Copy of Plan relating to Single room tenant.

Ex. M-12 to M-22—Negative and photos of Gol Bunglow Quarters.

Ex. M-23—Plan showing the additions made by residence.

Ex. M-24—List of illegal occupants in some of the quarters.

Ex. M-25—Illegal occupants of the list of Gole Bunglow quarters.

Ex. M-26—69th Annual Report and Accounts for the year 89-90.

Ex. M-27—69th Annual Report and Accounts for the year 90-91.

नई दिल्ली, 25 मार्च, 1994

का.आ. 989.—ओर्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एन सी सी एल के प्रवर्धन संस्थान के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ओर्योगिक विवाद में केन्द्रीय सरकार ओर्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-94 को प्राप्त हुआ था।

[सं. एल-22012/200/88 डी-IV (बी) 3]

राजा लाल, डैस्ट्रिक्ट अधिकारी

New Delhi, the 25th March, 1994

S.O. 989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 24-3-1994.

[No. L-22012/200/88 D. IV(B)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated : 28th day of February, 1994

INDUSTRIAL DISPUTE NO. 59 OF 1989

BETWEEN

The Workmen of S.C. Co. Ltd.,
Bellampalli, Adilabad Dist., ... Petitioner.
AND

The Management of S.C. Co. Ltd.,
Bellampalli, Adilabad Dist., ... Respondent.

APPEARANCES :

M/s. G. Vidyasagar, V. Vishwanathan, N. Vinesh Raj
and P. Giri Krishna, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates for
the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(200)/88-D. IVB/IR(C-II), dt. 18-8-1989 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the management of M/s. Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :

"Whether the action of the management of M/s. S.C. Co. Ltd., Bellampalli in terminating the services of Sri Ballaboina Rajam, Timber Muccadam, Shanti Khani w.e.f. 1-2-1988 without following age retirement Rule 3(iv) and (vi) and not referring the case to the determination committee is justified? If not, to what relief the workman concerned is entitled?"

This reference is registered as Industrial Dispute No. 59 of 1989 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner read as follows :

It is submitted that Sri Ballaboina Rajam, Timber Muccadam, Shanti Khani was appointed in the year 1957. At the time of his appointment his age is 24 years. In those days there was no age retirement rules in the Company and there was no any interest regarding the age. Therefore the concerned clerk prepared the service card gave the date as per his will and pleasure. During those days there was no age restrictions for appointment. The age retirement rules came into force in the year 1960. In Rule No. 3 (iv & vi) it is stated that "in case of employee already in service of the date of issue of this circular, their age should be determined in accordance with provision of this Rule. The worker should be completed within a period of 12 months from the date of issuing of this circular and in case of illiterate employee the declared date of birth shall be recorded by a senior employee and will-

nesses by another employer." The management have to follow the same but it was not followed in this case. But the Management had given him a termination notice (superannuation) dt. 13-2-1987 illegally. The workman immediately has submitted an application to the Management contesting that his age was 57 years but not 60 years. But the management did not take any action in the matter. Ex. 2 agreement the management to send the workers for age assessment to the Medical Officer before his termination of his services, without following the above formalities the worker was terminated on 1-2-1988 forcibly and illegally. During the entire service, of Sri Ballaboina Rajam, his age assessment was not done. He was never sent to the Medical Board/Medical Officer for his age assessment as per rules. For the fault of the management, they have rectified it in 1969 by taking his thumb impressions deceitfully on a typed proforma and proforma was attached with his service book. This proves that his age was not assessed by the Medical Officer/Medical Board. Without assessing his age the termination is illegal and injustice. Under these circumstances it is prayed that the Hon'ble Tribunal may please be ordered to direct the respondent to take Sri Ballaboina Rajam on duty immediately and pay back wages from the date of his termination until he is taken on duty.

3. The brief facts of the counter filed by the Respondent read as follows : It is submitted that the petitioner is covered by the Settlements and the Respondent has followed the procedure given in the settlements which are binding on this petition. It is submitted Sri Ballaveni Rajam had initially joined the Company in 1957. The allegation in those days there was no age assessment done by the Medical Officer and there was no age assessment rules and there was no interest to the management regarding age is totally false. At the time of joining the personal particulars of the employee, i.e. name, his father's name, age, address and all other particulars were given by the employee himself and which were recorded by the concerned clerk in service book and statutory records. All workmen who are on the rolls had agreed for the said age retirement rules and they are covered by the said settlement. It is also laid down in those rules that where documentary evidence of age or date of birth is not produced at the time of first appointment, the candidate shall be required to produce satisfactory evidence of his date of birth to the Chief Surgeon and Medical Officer, at the time of medical examination who shall assess the age and record it. The petitioner declared his age, as such applying the age retirement rules to the petitioner's case does not arise. According to the service record the management issued one year advance notice to the petitioner intimating him that he will be retiring from Company's services on 1-2-1988 vide their letter dt. 13-2-1987 and the notice was received by the workman in dispute and he was retired on 1-2-1988. The notice dated 13-2-1987 is an advance notice for retirement related to superannuation, but it is not a notice of termination. If the workman in dispute had any age discrepancy the Union representatives of the T.C.M.L. Union could have brought his case to the notice of the management in the year 1965 itself. If any employee contests with regard to his age he should be sent to the Medical Officer for assessment of his age. It may be noticed this petitioner has not contested about his age either in the year 1959/60, in 1965, in 1969 or in the year 1983. When there was no discrepancy in his age as per the service record and after issuing one year advance notice he was retired. The petitioner Union is estopped now to raise any dispute of age i.e. dispute in respect of Sri Ballavani Rajam after his retirement. The allegation that the management has not sent him to the Medical Board/Medical Officer and that it is the fault on the part of the management is not correct. The allegation that the management to rectify their faults have taken thumb impressions deceitfully and the proforma was attached to the service book is not correct. As stated earlier the management has honoured all the settlements and the allegation that the management has not honoured the settlements is not correct. There are no merits in the petitioner's case. As such the petitioner is not entitled to claim reinstatement or back wages as prayed for. In view of the above mentioned facts

this Hon'ble Tribunal may be pleased to dismiss the claim petition and confirm the action taken by the management and pass orders.

4. The point for adjudication is whether the action of the Respondent in terminating the service of Sri Ballaboina Rajam, w.e.f. 1-2-1988 without following age retirement rules and not referring the case to the determination committee is justified or not?

5. W.W.1 was examined on behalf of the Petitioner-Union and marked Exs. W1 to W5. On the other hand M.W.1 was examined on behalf of the Respondent-Management and marked Exs. M1 to M6 on its side.

6. W.W.1 is S. Nagaiah Reddy. In brief he deposed that he is the President of the Petitioner-Union since 1989. The concerned workman in this case Ballaboina Rajam is a member of their Union. The said Rajam was appointed as Timber Muccadam in the year 1957 and he has been working as Timber Muccadam in the Respondent ever since then. At the time of his appointment as Timber Muccadam his age was 24 years. By the date of appointment of Sri Ballaboina Rajam as Timber Muccadam in 1957, there were no age retirement rules in existence in the Respondent. At the time of his appointment as Timber Muccadam he was not the President of the Petitioner Union. The age retirement rules were introduced by the Respondent in the year 1960 for the first time and they were implemented from the year 1965. After 1965 the management of the Respondent began to retire the workmen who have completed 60 years of age. On that the workers union raised a dispute and a settlement was entered into between the management and the Union to the effect that, the workmen who have completed the age of 60 years as per the records of the Respondent to be sent for medical examination for assessment of their age to the Company Medical Officer or to the Medical Board before retiring them from service. Shri Ballaboina Rajam was retired from the service of the Respondent on the basis of the original age as entered in the records of the Respondent at the time of this appointment without sending him for medical examination to the Company's Medical Officer or to the Medical Board for determination of his age. Before retiring him from service, Shri Rajam submitted a representation to the management of the Respondent and the respondent did not take any action on his representation. Ex. W-5 is the photostat copy of the settlement dated 17-9-1969 entered into between the management of the Respondent and the Worker's Union under Section 12(8) of the I. D. Act.

7. M.W-1 is C. Gopala Rao. In brief he deposed that he knows the facts of this case Shri B. Rajam. Shri Rajam was appointed on 12-4-1957 and retired from service on 31-1-1988. Shri Rajam's age in the service book recorded as 30 years as on 20-1-1958. Ex. M 1 is the service book. After explaining them only at page No. 3 of Ex. M-1 took finger prints and thumb impression at the place of signature. For the purpose of calculating the superannuation management age given in service book. The age mentioned on the other records should be based on in the service book. The Clerks are not verify in the service books as the identity cards and other record is prepared only for the purpose of receiving the salary and to go to the hospital. As Mr. Rajam declared the age the officers satisfied and recorded in Ex. M-1 and the same was recorded in B Register. The said B. Register is the statutory register maintained under the Mines Act. During 31 years of service Shri Rajam has not raised any dispute on the alleged ground as there is age variation. The Officers who have signed the service book have cordial relations with Shri Rajam and there was no animosity at all. For the literate employees they produce their certificates of education for illiterate they give all the particulars and the medical officers ascertain the age depending upon those particulars if the medical officer not satisfied or workman fails to give the particulars will be sent for assessing the age. Thus such age recorded will be taken as final figure for computation of superannuation. Shri Rajam 6 days before his retirement, i.e., on 25-1-1988, he made the representation. The management has issued advance notice of one year basing upon that only Rajam

made representation. Item No. 18 in the settlement deals with dispute regarding age. The Petitioner Union is the party to the Ex. M-3 and signed by Shri M. Nagaiah Reddy. After N.C.W.A. came into existence J B C C I. the age determination procedure was given. This procedure superseded all the old circulars and settlements. By that time Shri Rajam retired the J B C C I. procedure was in rogue. Shri Rajam has not filed any birth certificate from Register of Births and Deaths with regard to his age. The Service Book Ex. M-1 was prepared on 25-10-1968. The allegation of the Union that the management has rectified and deceitfully took the thumb impression in the year, 1969 is not correct. There was no allegation by Shri Rajam during that period he was not examined by the Medical Officer for his assessing the age. Shri Rajam has not filed any documentary proof to show he was 24 years as on the date of his appointment. When there is no variation it will not be referred to the Medical Board for determination of his age.

8. The case of the Petitioner workman that Shri Ballaboina Rajam, Timber Muccadam, Shanti Khani was appointed in 1957, that at the time of his appointment his age was 24 years, that there was no age retirement rules in the Company at that time, that the age retirement rules came into force from 1960 and in that Rule No. 3(iv & vi) mentions that in case of employee already in service of the date of issue of this circular, their age should be determined in accordance with provisions of this rule and the work should be completed within a period of 12 months from the date of issuing of this Circular and in case of illiterate employee the declared date of birth shall be recorded by a senior employee and witnesses by another employee, and that this was not followed by the Respondent-Management but the Management had give the workman a termination notice (superannuation) dated 13-2-1987 illegally.

9. The contention of the Respondent-Management on the other hand that the Petitioner workman is covered by the Settlements and are binding on the petitioner, that they have no right to raise an industrial dispute, that at the time of the petitioner joining he was 24 years old is not correct, that at the time of joining the personal particulars of the employee, i.e., name, his father's name, age, address and all other particulars were given by the employee himself and which were recorded by the concerned clerk in service book and statutory records, that according to the age retirement rules the workman have to declare their age either by producing school or college certificate, it is also laid down in those rules that where documentary evidence of age or date of birth is not produced at the time of first appointment, the candidate shall be required to produce satisfactory evidence of his date of birth to the Chief Surgeon and Medical Officer, at the time of medical examination who shall assess the age and record it, that immediately after 1959 settlement was entered all the employees who were on rolls were called upon once again to ascertain their ages and wherever there is discrepancy that has been rectified. That the allegation that the management has not followed the procedure of 1959 settlement as far as this petition is concerned is not correct. That the allegation that the management issued a termination notice dated 13-2-1987 illegally is not correct, that the workman had immediately submitted an application to the authorities contesting that his age is 57 years, but not 60 years and that the authorities did not take any action in the matter is totally false, that only after retirement of the workman in dispute the petitioner Union with an intention to illegally enrich and also to create industrial unrest has chosen to espouse the case of the workman in dispute, that the petitioner has chosen to state certain facts to suit his case, and that now at this stage only for the purpose of raising the present dispute the petitioner union cannot make untenable allegations that the procedure adopted by the Management is not correct. Finally it contended that as stated earlier the Management has honoured all the settlements and the allegation that the management has not honoured the settlements is not correct. The reference is made is bad in law.

10. It is seen that when Shri Ballaboina Rajam, Timber Muccadam, Shanti Khani was appointed in the year 1957 and at that time his age was 24 years. It is admitted by the Respondent Management that in those days there was no age assessment done by the Medical Officer and there were no age assessment rules existed. It is also seen that

in those days there was no age restriction for appointment. Now during the year 1960 the age retirement rules came into force. Ex. W-1 is the Age Retirement Rules extracted the following (iv) and (vi) :

(iv) "In the case of employees already in service on the date of issue of this Circular, their age should be determined in accordance with the provisions of this Rule. This work should be completed within a period of 12 months from the date of issue of this Circular."

(vi) "In the case of literate employees, the date of birth shall be entered in the record of service in the employees own hand-writing. In the case of illiterate employees the declared date of birth shall be recorded by a Senior employee and witnessed by another employee."

Here in the case the Petitioner-Workman was appointed in the year 1957 and that the Circular was issued some wherein 1959. The Petitioner workman was already in service by the date of issue of the Circular. There is a specific clause in (iv) of the Age Retirement Rules. It states that "in the case of employees already in service on the date of issue of this Circular, their age should be determined in accordance with the provisions of this Rule. This work should be completed within a period of 12 months from the date of issue of this Circular." At the time of issue of this particular circular, the petitioner-workman was in service. The Management has not completed the determination of age within a period of 12 months from the date of issue of the Circular. The Management has not followed the same and it was the fault of the Management in not determining the age of the employees who were appointed prior to 1960. Instead the Management has given the termination notice dt. 13-2-1987 which is illegal and not in consonance with the circular issued by the Management. The allegation of the petitioner workman that his age assessment was not done, he was never sent to the Medical Board for his age assessment as per rules. The Management found the fault and they have rectified it in 1969 by taking the thumb impression of the petitioner deceitfully on a typed proforma and that proforma was attached with the service book of the Petitioner workman. This clearly indicates that the Petitioner age was not assessed by the Medical Officer. After perusal of the records, it is evidently clear that the Management did not follow Clause No. 3 of Age retirement rules, the Memorandum of Settlement dt. 26-2-1965 that the age record of the company of the workers was not correct and lastly it is evidently seen that the Memorandum of Settlement dt. 17-9-1989 and C.P.O.'s Circular dt. 26-10-1983 any worker who contests his age should be sent to the Medical Board/Medical Officer were not followed accordingly. Hence I find that the termination notice issued to the Petitioner-Workman Sri Bollaboina Rajam, Timber Muccadam, Shanti Khani is illegal and unfair labour practice.

11. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Bellampalli in terminating the services of Sri Bollaboina Rajam, Timber Muccadam, Shanti Khani w.e.f. 1-2-1988 without following age retirement Rule 5(iv) and (vi) and not referring the case to the Determination Committee is not justified. The Respondent Management is directed to take Sri Bollaboina Rajam on duty with full back wages from the date of his termination till he is taken on duty and with all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 28th day of February, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined

on behalf of Petitioner-Workman :

W.W1 S. Nagaiah Reddy.

Witnesses Examined on

behalf of Respondent-Management :
M.W1 C. Gopal Rao.

Documents marked for the Petitioner-Workman :

Ex. W1 Photostat copy of the Age retirement rules.
Ex. W2 26-2-85. Photostat copy of the Memorandum of Settlement and between the Workman and the Management of M/s. S.C. Co. Ltd., Bellampalli.

Ex. W3 25-1-88 Copy of the letter addressed by S. Swatantra Reddy, Jt. Secretary (CC) to the the A.L.C. (C) Managerial with regard to Illegal Termination of Bollaboina Rajam.

Ex. W4 8-10-88 Copy of the Minutes of conciliation proceeding.

Ex. W5 17-9-89 Photostat copy of the Memorandum of Settlement arrived between the Workmen and the Management of M/s. S.C. Co. Ltd., Kothagudem.

Documents marked for the Management :

Ex. M1 Service Record of the Workman.

Ex. M2 Xerox Copy taken from B. Register of concerned mine.

Ex. M3 17-9-69 Xerox copy of the settlement.

Ex. M4 6-7-81 Xerox Copies of the Circulars Reg. age disputes.

Ex. M5 26-10-83 Xerox Copies of the Circulars Reg age disputes.

Ex. M6 JBCCI Rules Xerox Copy.

नई दिल्ली, 25 मार्च, 1994

का.आ. 990.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में एस सी मीएल के प्रबन्धतात्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/3/94 को प्राप्त हुआ था।

[सं. एन-22012/19/92-आई आर (सी-II)]
राजा लाल, डैस्क अधिकारी

New Delhi, the 25th March, 1994

S.O. 990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd., and their workmen, which was received by the Central Government on 24-3-94.

[No. L-22012/19/92-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated. 5th day of March, 1994

INDUSTRIAL DISPUTE NO. 21 OF 1992

BETWEEN :

Branch Secretary, S.M.E.W. Union (HES) P.O.
Ramakrishnapur, Dist. Adilabad ..Petitioner.

AND

General Manager, M/s. S.C. Co. Ltd., P. O. Ramakrishnapur, Dist. Adilabad, A.P. Respondent.

APPEARANCES :

M/s. A. K. Jaya Prakash Rao, V. N. Goud, K. Srinivasa Rao, T. V. Ravindra Kumar and Ch. Indrasean Reddy, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha and P. V. K. Kishore Babu, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/19.92-IR(C-II) dt. 3.4.1992 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the management of Singareni Collieries Company Limited, Ramakrishnapur and their workmen to this Tribunal for adjudication :

"Whether the action of the management of S.C. Co. Ltd., Ramakrishnapur in not promoting Sri R. Venkutty, Hammerman, Cat. IV (SLU) RK-6 Incline who has been acting in place of Sri Narasiah after his retirement as Rope Splicer since 1986 is legal and justified ? If not, to what relief the workman is entitled to ?"

This reference was registered as Industrial Dispute No. 21 of 1992 and notices were served on both parties.

2. As seen from the docket sheet of this Tribunal, neither the Petitioner filed their claim statement nor the Respondent filed their counter. Many adjournments were given to both the parties to prosecute their case but none of them appeared before this Tribunal nor sent any representation to this Tribunal. When both the parties failed to approach this Tribunal, I find no reason to give opportunity further in this case, and no purpose would be served. Hence the reference is terminated.

In the result, the preference is terminated.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 5th day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

NIL

नई दिल्ली, 25 मार्च, 1994

का. आ. 991.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सीएल के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/3/94 को प्राप्त हुआ था।

[म. ए. 22012/228/88-टी IV(बी)]
राजा साह, ईस्क अधिकारी

New Delhi, the 25th March, 1994

S.O. 991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC

Ltd. and their workmen, which was received by the Central Government on 24-3-94.

[No. L-22012/228/88 D-IV(B)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 8th day of March, 1994

INDUSTRIAL DISPUTE NO. 56 of 1989

BETWEEN :

The Workmen of Singareni Collieries Company Limited, Mandamarri—Petitioner.

AND

The General Manager, Singareni Collieries Company Limited, Mandamarri—Respondent.

APPEARANCES :

Sri S. Swatantra Reddy, Vice President, A. P. Colliery Mazdoor Sangh (INTUC) for Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(228)88D-IV, BIR (C-II), dt. 9-8-1989 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni Collieries Company Limited, Mandamarri and their workmen to this Tribunal for adjudication :

"Whether the action of the management of M/s. S. C. Co. Ltd., Mandamarri in terminating the services of Sri Kalpaku Ganga Ram, Trammer, KK-I Incline w.e.f. 1-4-1988 is justified ? If not, to what relief the workmen is entitled ?"

This reference is registered as Industrial Dispute No. 56 of 1989 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Workmen read as follows :—It is submitted that Sri K. Gangaram was appointed on 14-3-64. When that time he was sent to K. K. Dispensary for physical fitness with a group of 15 persons. Sri K. Gangaram is made fit along with other persons. But they were not assessed their age at that time by Medical Officer. Sri K. Gangaram was appointed on 14-3-64 then his age was 30 years. But his age assessment was not done by the Medical Officer. In those days no one has taken any interest regarding the age. This is the fault of the management. The management have to rectify the fault in 1969 by taking his thumb impression deceitfully on a typed proforma illegally and the proforma was attached with his service book. Sri K. Gangaram appointed after implementation of age retirement rules, the

management has to follow as per the age retirement rules, Section 3(i) but not followed. It is proving that in this case the management did not send him for his age assessment to the medical officer during the entire service in the company. But the management had given him a termination notice dt. 12/14 March, 1987. Immediately the worker had submitted his application dt. 19-3-1987 contesting that he was not 60 but 54. But the Management did not take any action in the matter. As such the Union raised the dispute on 5-3-1988. The management is telling that there is no variation in the age of Sri K. Gangaram, therefore there is no necessity to refer the case of Sri K. Gangaram to Medical Officer for his age assessment. Without sending him to the Medical Officer for assessment of his age the management have terminated his services from 1-4-1988 forcibly and illegally. The main dispute is as per the age retirement rules. Memorandum of Settlements and C. P. O's Circular before termination of a worker, the worker should be sent for assessment of his age by the Medical Officer. In this case the management has not followed the same, but terminated simply with their own decision as the worker has completed 60 years of age. The above action of the management is illegal and injustice. In this agreement the management is to send the worker for age assessment to the Medical Officer before his termination of his service, without following the above formalities the worker was terminated illegally. Under these circumstances, it is prayed that the Hon'ble Tribunal may please order to direct the respondent to take Sri K. Ganga Ram on duty immediately and pay back wages from the date of his termination until he is taken on duty.

3. The brief facts of the counter filed by the Respondent read as follows :—It is true that Sri Kalpaku Gangaram was initially appointed in the Respondent with effect from 22nd March, 1964. At the time of his appointment he was sent for medical examination for the purpose of assessment of his age as per the practice in vogue at that time. After complying the formalities his age was assessed by the Company Medical Officer and entered in the service book and other records of the Company as 36 years as on 14-3-1964. There was a regular procedure in vogue which has been adopted by the management. The petitioner is also a workman to work underground unless he was of the age of 21 years he could not be allowed to work underground. None of the Unions brought the case of Sri K. Gangaram on the ground that his age was not assessed at any time. As there is no variation in his age no Union could say that there is variation in his age and so the question of bringing the case of the workman in dispute for assessing does not arise. In the year 1969 after once again ascertaining the ages thumb impressions were taken from the workman. The allegation that the management took these thumb impressions to rectify the fault in 1969 is totally false and the Union members are also aware with regard to this and having accepted the same in 1969 the Union has no right to agitate at this stage to say with all false allegations that the management took thumb impressions in a deceitful manner. This is not a case of termination but this is a case of retiring an employee on attaining the superannuation age. The allegation that the manage-

ment has not followed Section 3(i) and Section 3(iv) & (vi) of age retirement rules in respect of Sri K. Gangaram is totally false. The management has scrupulously followed the procedure given in the age retirement rules. When the age was declared by the employees before the Medical Officer, the question of referring him again to the Medical Officer for assessment of age does not arise. At no point of time Sri K. Gangaram filed any application or approached the management intimating that his age was not determined on the ground that there is variation. In the year 1979 the National Coal Wage Agreement-I also gave the Age determination rules w.e.f. 1-1-1979 and the same have been implemented, all the recognised Unions signed the said settlement and they are bound by the N. C. W. A. Thus as on the date of retirement of Sri K. Gangaram the N. C. W. A. was in vogue and all the previous rules are not applicable. In normal course the Respondent gives one year advance notice of retirement and the said notice has been given to Sri K. Gangaram vide letter dt. 14-3-1987. The allegation that he was not 60 years old but 54 years is not correct. It was made clear to Sri K. Gangaram that as there was no discrepancy in his age nor there was dispute in normal course he was retired on 31-3-1988. It is true that the Respondent management made clear to the Union and to Sri K. Gangaram that there is no variation in the age and so there is no necessity for the management to refer Sri K. Gangaram's case to Medical Officer for assessing his age. He was not forcibly and illegally terminated but he was retired on the said date. Whatever age has been declared has been treated as correct i.e. one of the terms of the contract, and he has no right to vary his age now on the alleged ground that he has 30 years in 1964. The C. P. O. circular is not applicable to the petitioner's case. Accordingly he is not eligible for referring his case to Age Determination Committee. As he attained the superannuation age of 60 years and management has retired him and retiring an employee cannot be treated as illegal. The allegation that the management has not honoured the retirement rules, circulars, settlements with reference to the case of Sri K. Gangaram and terminated him is totally false. In view of the above mentioned facts this Hon'ble Court may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the action of the Respondent in terminating the services of Sri Kalpaku, Ganga Ram w.e.f. 1-4-1985 is justified?

5. W. W1 was examined on behalf of the Petitioner and marked Exs. W1 to W4. M. W. 1 was examined on behalf of the Respondent and marked Exs. M1, M1A and M2 on its side.

6. W. W1 is K. Gangaram. He deposed that he is the concerned workman in this I. D. He joined the services of the Respondent in the year 1964 as general mazdoor. He is an illiterate. The date he joined the service of the Respondent he was aged 30 years. The Respondent company issued identity card to him in the year 1974. His age was noted as 40 years in the identity card issued to him by the management. Later he was never sent to the Medical Officer of the Respondent or to the Medical Board for assessing his age, and his age was not fixed by the Respondent at any time. In March 1987 he

was served a notice by the respondent informing him that as per the service record he will be attaining the age of superannuation 60 years on 13-3-1988. Ex. W1 is the said notice. Later he submitted an application to the management of respondent company stating that he is not aged so much. Thereafter the Respondent Company asked him to bring the papers available with him. Then he produced his identity card and the Bonus card, before the management. Again the respondent company gave him another notice dt. 25/26-2-1988 and the said notice is Ex. W2. In Ex. W2 it is stated that he will be retired from service of the company with effect from 1-4-1988. He reported the matter to the Union and the Union represented his case to the management. Later the Union moved his case with the Asst. Labour Commissioner (Central), Mancherial to admit his case for conciliation. The conciliation failed. He prays that an Award may be passed directing the management to take him back into service and continue him in the service.

7. M. W1 is Y. Rama Mohan Rao. He deposed that he is the Personnel Officer in the Respondent Company. He has been working since 1975. He knows the facts of the case. Sri Gangaram was appointed on 22-3-1964. He retired from service on completion of 60 years of age on 1-4-1988. At the time of appointment, his age was recorded in the service book '36' years as on 14-3-1964 on which date he was medically examined and his age was assessed. After Sri Gangaram joined the service, he did not raise any dispute alleging that the date of birth in the service book was wrongly recorded. The Company takes the age entered in the service book because it is as per the declaration of the employee and it is made at the time of appointment i.e. the earliest point of time and also subsequent entries of the age made in their records, are made based upon service book. All other records like Bonus Card, Medical Attendance Book, identity card are all made for a specific purpose of identity and family members etc. The age recorded in these documents may vary from service book and they cannot be taken as authentic. At the time of appointment the employee himself declared his age. The Medical Officer who certified that whether a person is fit to be employed in a mine and also ascertain the age i.e. to say whether the declared by such person appears to be correct or not. In this particular Sri Gangaram was medically examined and his age was assessed. The contents in the service book belonging to Sri Gangaram regarding his age, date of appointment and other service particulars were explained to him on 28-7-1969 in token of which he has affixed his thumb impression. Ex. M1 is service book wherein the said acknowledgement was taken from Sri Gangaram. The workman never disputed his age at any time during his service. He raised his dispute after his retirement.

8. The case of the petitioner is that he joined the service on 14-3-1964 but were not assessed their age at that time by Medical Officer. that the Management have, to rectify, the fault in 1969 by taking his thumb impression deceitfully on a typed proforma illegally and the proforma was attached with the service book, that his age was not assessed by the Medical Officer, till his termination without assessing his age, termination is illegal.

9. On the other hand the allegation of the Respondent that Sri Kalpanu Gangaram was initially appointed in the Respondent w.e.f. 22nd March 1964, that at the time of his appointment he was sent for medical examination for the purpose of assessment of his age as per the practice in vogue at that time, that after complying the formalities his age was assessed by the Company Medical Officer and entered in the service book and other records of the Company as 36 years as on 14-3-1964.

10. The case of the petitioner that the management did not follow Section 3(i) of the Age Retirement Rules. Section 3(i) of the Age Retirement Rules reads as follows :

(i) Every person on entering Company's service shall declare the date of birth which shall not differ from any declaration expressed or implied for any public purpose before entering Company's Service. The date of birth as recorded in a school or College certificate will be adopted without any modification. Whether documentary evidence of age or date of birth is not produced at the time of first appointment, the candidate shall be required to produce satisfactory evidence of the date of birth to the Chief Surgeon and Medical Officer at the time of Medical Examination and shall assess, the age and record his own opinion on the Medical certificate of health in the following form :

"After consideration of the candidates own statement, the evidence produced before me and his general appearance, I consider his age to be..... years.

The age as given by the Chief Surgeon and Medical Officer shall be acceptable as final."

As per the above Section 3(i) when documentary evidence of age or date of birth is not produced at the time of first appointment the candidate shall be required to produce satisfactory evidence of the date of birth to the Chief Surgeon and Medical Officer at the time of Medical Examination and shall assess the age and record his own opinion on the Medical Certificate of health. Here in this case the Petitioner was appointed on 14-3-1964. At that time he was sent to K. K. Dispensary for physical fitness with a group of 15 persons. Sri K. Gangaram is, made fit along with other persons but they were not assessed their age at that time by Medical Officer. As per Section 3(i) of the Age Retirement Rules, it clearly shows that the petitioner's age was not assessed. Thus I find that the Management committed fault in not assessing the age of the Petitioner at the time of appointment. It is pertinent to note that the Petitioner was appointed on 14-3-1964 i.e. after the implementation of the Age Retirement Rules and Section 3(i) is applicable to him and that the Management has not sent for his age assessment to the Medical Officer during his entire service in the Company. Furthermore it is evident that the Memorandum of Settlement dated 17-9-1969 and C.P.O. Circular dated 26-10-1983, any worker who contests his age should be sent to the Medical Officer for his age assessment and that it is also proved that the Company's workers age record is not correct. A perusal of Ex. M1 the Identity and Service Card pertaining to the

Petitioner-workman Sri K. Gangaram. All the particulars of the Petitioner workman was entered with green ink whereas the age of the petitioner is with blue black ink. It clearly shows that the age 36 as shown was not written at the time of appointment of the petitioner workman. I find that the age 36 was entered subsequently after the Respondent coming to know the fault committed. So on a consideration of the facts and circumstances of the case, the Management without honouring the age retirement rules, Memorandum of Settlements and C.P.O. Circulars, the Management's action in the case of Sri Kalpaku Gangaram, Trammer K.K. I Incline termination is illegal and unfair labour practice. The order No. KK. 1/4/67/625 dt. 12/4-3-1987 passed is invalid and illegal.

11. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Mandamari in terminating the services of Sri Kalpaku Ganga Ram, Trammer, K.K. I Incline w.e.f. 1-4-1988 is not justified. The Respondent-Management is directed to reinstate Sri K. Gangaram on duty immediately and pay back wages together with all attendant benefits from the date of his termination until he is taken on duty.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 8th day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I
Appendix of Evidence

Witnesses Examined on
behalf of Petitioner-Workman :

W.WI K. Gangaram.

Witnesses Examined on
behalf of Respondent-Management :

M. WI Y. Ram Mohan Rao.

Documents marked for the Petitioner-Workman :

Ex W1 Notice and Retirement issued by the Colliery 12-3-87 Manager, K.K. No. 1, S.C. Co. Ltd., to 14 K. Gagaram, Trammer.

Ex.W2 Notice of Retirement issued by the 25-2-88 Colliery Manager, K.K. No. 1, S.C. Co. Ltd., to K. Gangaram, Trammer.

Ex.W3 Copy of settlement dt. 26-10-83.

Ex.W4 Age retirement rules.

Documents marked for the Respondent-Management:

Ex.M1 Service Book.

Ex.M1/A Age recording.

Ex M2 Xerox copy of extract of B. Register.

नई दिल्ली, 25 मार्च, 1994

का.आ. 992.— औद्योगिक विवाद अधिकारी, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. का

कु सुण्डा अंतर्गत संबद्ध नियोजकों और उनके कमोंकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, (सं 1), धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार की 24-3-94 की प्राप्त हुआ था।

[संख्या-एल-20012/84/87-डी-3(ए)/आईआर (कोल-1)]

सं-गणधरण, डैस्क अधिकारी

New Delhi, the 25th March, 1994

S.O. 992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Kusunda Area No. 6 of M/s. SCCL and their workmen, which was received by the Central Government on 24-3-94.

[No. I-20012/84/87-D.III(A)IR(Coal-I)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I AT DHANBAD
In the matter of a reference under section 10(1)(d)

(2A) of the Industrial Disputes Act, 1947

Reference No. 91 of 1989

PARTIES :

Employers in relation to the management of
Kusunda Area No. 6 of M/s Bharat Coking
Coal Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha.—Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri Anand Mohan Prasad,
President, Coalfields Labour Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 17th March, 1994.

AWARD

By Order No. I-20012(84)87-D.III(A)IR(Coal-I) dated, the 14th August, 1989, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Coal Field Labour Union, that Shri Yusuf Mian (II) and 16 other workmen shown in the annexure be regularised in the service of the management of Kusunda Area No. VI of M/s. BCCL, w.e.f. 1977 is justified? If not, to what relief are the workmen entitled to?”

ANNEXURE

1. Shri Yusuf Mian II.
2. Shri Murtaza Ali.
3. Shri Md. Wali.
4. Shri Nabi Ahmad.
5. Shri Safi Ahmad.
6. Shri Md. Usman.
7. Shri Nabijan.
8. Shri Md. Salim.
9. Shri Maqbool Alam.
10. Shri Sakil Ali.
11. Shri Md. Aslam.
12. Shri Lal Mohamad.
13. Shri Arun Kumar Singh.
14. Shri Badri Prasad.
15. Shri Ajay Kumar Sukla.
16. Shri Sudhakar Jha.
17. Shri Rajendra Kumar Mistry.

2. On 15-3-94 the management and the sponsoring Union filed a petition of compromise containing the terms of settlement, which was signed on behalf of the employer as well by the President of the Coal Field Labour Union, Chasnala, District Dhanbad which was the sponsoring Union. This has also been signed by seven of the workmen whom the management has agreed to enroll. A prayer has been made to accept the settlement and to pass an award accordingly. The petition was jointly moved by Shri Anand Mohan Prasad, President of the sponsoring Union and Shri B. Joshi, the Advocate appearing for the management.

3. I have gone through the terms of settlement as well the record.

4. In the reference there were 17 concerned workmen out of which the management has agreed to enroll only 7 of them on the terms and conditions as agreed between the sponsoring Union and the management, as given in the document of settlement. It has been provided that the rest of the workmen will not be entitled to claim for their employment.

5. Admittedly, the dispute was raised by the sponsoring Union which has now entered into a settlement with the management. The sponsoring Union is entitled to reach a compromise with the management in respect of the dispute it has raised on terms and conditions, it considers to be the best in the interest of the workmen.

6. There is nothing to show that the terms of settlement are in any way unfair.

7. Therefore, I order that an award be rendered in terms of compromise petition filed jointly by the aforesaid parties, which petition alongwith affidavit of Yusuf Mian-II shall form part of the award.

P. K. SINHA, Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT DHANBAD

Ref. No. 91/89

Employers in relation to the management of Kusunda Area.

AND

Their workmen.

Petition of compromise

The humble petition on behalf of the parties to the above reference most respectfully showeth :—

1. That without prejudice to the respective contentions of parties, the present dispute has been amicably settled between the parties on the following terms :

TERMS OF SETTLEMENT

- (a) That the management will enroll S|Shri Yusuf Mian, Murtaza Ali, Wali Ahmad, Safi Ahmad, Nabijan, Md. Salim and Sudhakar Jha as permanent workmen of the management and they will be designated as Black Smith, Hammarman or Helpers/Mazdoors as per the requirement of the management subject to their medical fitness and limitation of age as per provision of NCWA.
- (b) That for the purpose of proper identification of the aforesaid workmen Shri Yusuf Mian II has sworn an affidavit and the same has been enclosed alongwith the petition of compromise. The affidavit will form part of the settlement.
- (c) That all the aforesaid workmen have filed their respective identification certificates, which are accepted subject to the condition that, in case it will be established in future that any of them was not a genuine worker, he will not be entitled to continue in the employment.
- (d) That the rest of the workmen S|Shri Nabi Ahmad, Md. Usman, Maqbool Alam, Sakil Ali, Md. Aslam, Lal Mohamad, Arun Kumar Singh, Badri Prasad, Ajay Kumar Shukla and Rajendra Kumar Mistry in the dispute will not be entitled to claim for their employment.
- (e) That none of the concerned workmen will be entitled to any back wages or benefits for the past period of their services.
- (f) That the entire dispute is finally settled between the parties and none of the concerned workmen will raise any dispute in future directly himself or through any union relating to present issue.

(2) That in view of the aforesaid settlement there remains nothing to be adjudicated.

(3) This settlement is being done as per the approval of the GW (P) and D(A).

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased

sed to pass the Award in terms of the settlement.

For the Workmen

For the Employer

Witness

Sd/-
Illegible

In the Court of Executive Magistrate, Dhanbad

Affidavit

1. Sri Yusuf Mian II, Son of Abdul Sattar, of village Sangathu, P. O. Arath, District Jamui (Mongyr) in the State of Bihar, do hereby solemnly affirm and state as follows :

1. That, I had worked at Kusunda Workshop situated within the premises and precincts of Kusunda Area (No. VI) of M/s. Bharat Coking Coal Ltd. during the period from 1977 to 1983 regularly on various kinds of Black Smithy jobs on the basis of work orders issued in my name.

2. That, S/Shree (a) Murtaz Ali, Son of Sukur Mia of Village Sangathu, P. O. Amrath, District Jamui (Mongyr), (b) Md. Wali alias Wali Ahmad son of Abdul Sattar of village Sangathu, P. O. Amrath Dist. Jamui (Mongyr), (c) Saif Ahmad son of Nabi Mia, Village Dharti Than, P.O. Ranga, Distt. Banka, (d) Nabijan Son of Md. Sabir Mia of vill. Manda, P.O. Dudhari, District Banka, (e) Md. Salim, son of Ramjan of village Kusunda Station, Hazra Basti, P. O. Kusunda, District Dhanbad and (f) Subhankar Jha Son of Surendra Mohan Jha. of village Lakhraj, P. O. Rajpur, Distt. Banka, have regularly worked with me executing all kinds of Black Smithy jobs allotted to me through work order during the entire period of my work in the workshop.

3. That, myself and the workmen named above are the concerned workmen in reference No. 91/89 pending before the Hon'ble Tribunal for Adjudication. The other concerned workman named in the schedule of reference had intermittently worked with me on the Black Smithy jobs as and when required on very rare occasions.

4. That, myself and the sponsoring Union named 'Coalsield Labour Union' have agreed to settle the entire dispute contained in Reference No. 91/89 as the management has offered to give employment to me and others named at para 2 above, who had worked regularly as Black Smithy jobs. The claim in respect of other workmen whose engagement was irregular and casual, no one having put more than 50 days of attendance during the entire period with me on the Black Smithy jobs, is not pressed for.

Solemnly affirmed before me by the deponent who is duly identified by Sri K. P. Barnwal Advocate, Dhanbad.

Sd/-
Illegible
Executive Magistrate, Dhanbad.

Verification

The statements are true to the best of my knowledge and belief. I sign this verification at Dhanbad on

Sd/-

Illegible
Identified by :
Advocate

नई दिल्ली, 28 मार्च, 1994

का. आ. 993.— ऑर्डोरिंग विवाद अधिकारण, 1947 (1947 का 14) की धारा 17 के अनुसार में, केंद्रीय सरकार टेलीकम्प्यूटिक्स नियंत्रित इंजीनियर, रोहतक के प्रबंधताव के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ऑर्डोरिंग विवाद में केंद्रीय सरकार ऑर्डोरिंग अधिकारण, चंडीगढ़ के पक्ष से प्रकाशित करती है, जो केंद्रीय सरकार को 25-3-94 को प्राप्त हुआ था।

[सं. एन-40012/20/90-आई आर (टी यू) (पार्ट)]
के. बी.बी. उणी, इंस्क्रिप्शन कार्यालयी

New Delhi, the 28th March, 1994

S.O. 993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Distt. Engineer, Rohtak and their workmen, which was received by the Central Government on 25-3-84.

[No. L-40012/20/90-IR(DU) (Pt.)]
K. V. B. UNNY, Desk Officer
ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 190/90

Ram Kumar Yadav Vs. Telecommunication
For the workman—Shri N. P. Mittal.

For the management.—Shri Arun Walia.

AWARD

Central Govt. vide gazette notification no. L-40012/20/90-I. R. (D.U.) dated 30-11-1990 issued U/s. 10(1)(d) of Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Telecommunication District Engineer, Rohtak in terminating the services of Shri Ram Kumar Yadav, S/o Shri Jagannath Casual worker w.e.f. 1-4-88 is just, fair and legal ? If not, to what relief the concerned workman is entitled to?"

2. Case of the petitioner as enumerated in the statement of claim that he was appointed as a casual labourer with the respondent management at Rohtak on 15-4-1986. His name was recommended by the employment exchange Rohtak. He continued working as casual labourer upto 31-3-1988. His work and conduct was quite satisfactory. However, w.e.f. 1-4-1988 his services were illegally terminated by the respondent management when he was not allowed to perform his duties and was told that his services are no longer required. He has alleged that he had completed more than 240 days in the preceding 12 calendar months and the management has not complied with the provisions of Section 25-F of the Industrial Disputes Act, 1947 while terminating his services as he was neither paid any retrenchment compensation nor pay in lieu of notice and therefore, his termination is illegal. He has also alleged violation of Section 25G of the Industrial Disputes Act on the ground that so many juniors were retained at the time of terminating his services. The petitioner has also referred some judgments where reinstatement was awarded on account of violation of Section 25-F of the Industrial Disputes Act. The petitioner has thus sought reinstatement with full back wages and continuity w.e.f. 1-4-1988.

3. The management in their written statement has taken the plea that the petitioner was engaged as casual labourer in April 1986 through employment exchange by SDO(P), Rohtak. He left the job without any permission after one month. He again joined work in October 1986 and worked up to May 1987 and left the job at his own will. He again joined with A. E. Trunk, Rohtak in November 1987 and worked up to March 1988. Thus he has worked for 414 days in all from 4/86 to 3/88 and for 202 days preceding 12 calendar months i.e., 4/87 to 3/88. He did not work continuously in preceding 12 calendar months and has not completed 240 days, thus there is no violation of Section 25-F of the Industrial Disputes Act, 1947. It was denied that junior persons had been engaged or retained in Development work is being carried out through contractor and therefore, no fresh labour is being engaged directly by the department. One month notice was duly served to the petitioner. Further plea of the management that the petitioner has misled the Court by giving the wrong number of days put in by him which runs contrary to the chart showing number of days put in by the petitioner in O. A. No. 440/HR/90 filed by him before the Central Administrative Tribunal which has been dismissed as withdrawn on 5-8-1991. It was denied that the petitioner had at all worked in the month of June and July 1987. The number of days put in by the petitioner in March, February 1988 was also disputed. Thus the management sought the dismissal of this reference.

4. Replication was also filed reasserting the same facts as claimed in the claim statement.

5. The petitioner filed his affidavit Ex. W1 in evidence. He also relied on the document Mark 'A' showing number of days put in by him. MW1 S.C. Dureja Asstt., Engineer TDM, Rohtak is the management's witness. He filed his affidavit Ex. M1 in evidence. He also relied on the documents Ex. M2 the notice dated 2-3-1988, Ex. M3 the chart showing number of days put in by the petitioner duly filed by

the petitioner in the proceedings before the Central Administrative Tribunal. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the petitioner has argued that the petitioner had completed 240 days preceding 12 calendar months from the date of termination i.e., 1-4-1988 and the management has not complied with the provisions of section 25-F of the Industrial Disputes Act, 1947 for not having paid retrenchment compensation and pay in lieu of notice, therefore, he deserves reinstatement with back wages. He has also relied on mark 'A' the chart showing number of days put in by the petitioner. On the contrary the plea of the management that he has not completed 240 days. The chart mark 'A' relied by the petitioner is not correct and runs contrary to the chart filed by the petitioner in the proceedings before the C.A.T. in O.A. No. 440/HR/90 which has been dismissed as withdrawn on 5-8-1981. The management themselves have relied upon the said chart Ex. M3. After pursuing all the aspects I find force in the contention raised by the management and the plea of the petitioner that he had completed 240 days in preceding 12 calendar months is merit less, Mark 'A' is the chart relied upon the petitioner showing number of days put in by him and Ex. M3 is the chart relied upon by the management. Both the charts are consistent to the effect that the petitioner had not worked in the months of October, September and August 1987. Therefore, there is no dispute in that respect. However the crucial months which are in dispute are the months of June and July 1987. If at all it is proved that he worked in the said months he completes 240 days otherwise he only completes 202 days. In mark 'A' he has shown to have worked in the said months i.e. June and July 1987 with A.E. upto Trunk Rohtak and with ACGC 17 whereas fact of having worked in the month of June and July 1987 is missing in Ex. M3 the chart of number of days relied upon by the management. This chart Ex. M3 is nothing else but relied by the petitioner himself in the proceedings before the C.A.T. in O.A. No. 440/HR/90. The said chart is duly attested by N. P. Mittal counsel for the petitioner as true copy in the said proceedings.

Further in his cross-examination the petitioner himself not sure where he worked in the months of June and July 1987. In one breath he states that he worked at Bahadurgarh and then says at Rohtak. He also states that he does not have any document showing verification done by A.E. Auto Trunk Rohtak, obviously in relation to work done in the months of June and July 1987 with A.E. Auto Trunk and with ACGC 17. He then undertake to produce later on. But however he has not brought any evidence on the record to prove that in fact he had worked in the months of June and July 1987 with A.E. Auto Trunk and with ACGC 17. The management places reliance on the chart Ex. M3 the detail of number of days put in by the petitioner wherein he has not shown to have worked in the month of June and July 1987. This chart has also not been controverted by the petitioner in the cross-examination of the management witness MW1 S.C. Dureja, obviously for the reasons that he himself has relied on the said chart in the proceedings before the C.A.T. as said above. The petitioner thus can not

wriggle out from the said situation. Therefore, it is to be held that the petitioner had not worked in the months of June and July 1987. Admittedly he had also not worked in the months of August, September and October 1987 as reflected in both the charts Mark 'A' and Ex. M3. The petitioner thus has not completed 240 days preceedings Twelve calender months from the date of termination as defined in Section 25-B of the Industrial Disputes Act 1947 and does not thus qualify for the protection of Section 25-F of the Industrial Disputes Act 1947. It was obviously not mandatory for the management to have served a notice or to have pay wages in lieu of notice and retrenchment compensation to him before terminating his services. Therefore, the management has not contravened the provisions of Section 25-F of the Industrial Disputes Act 1947.

8. The petitioner has also alleged violation of Section 25-G and Section 25-H of the Industrial Disputes Act 1947. The same is again meritless. The petitioner is heavily burdened to prove which of the junior has been retained and whom has been appointed by the management after terminating the services of the petitioner. However there is no evidence in this regard. Therefore, the petitioner has failed to establish any violation of Section 25-G and Section 25-H of the Industrial Disputes Act 1947.

9. Hence nothing survive in the proceedings initiated by the petitioner. He is not entitled to any relief what-so-ever. The reference is dismissed and returned to the Ministry.

Chandigarh.

10-3-1994.

ARVIND KUMAR, Presiding Officer.

नई दिल्ली, 30 मार्च, 1994

का.आ. 991.—ओर्योगिक विवाद अधिकार, 1947(1947 का 14) की धारा 17 के प्रत्यरूप में, केन्द्रीय सरकार दिपार्टमेंट शाफ टेलीकम्युनिकेशन, गुलबर्ग के प्रबन्धताल से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ओर्योगिक विवाद में केन्द्रीय सरकार ओर्योगिक अधिकारण बैंगलोर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-94 को प्राप्त हुआ था।

[सं. एल-40012/241/91-शार्ट.आर(डी.यू.) (पार्ट)
के. धा. बी. उपग्री. डैम्प अधिकारी

New Delhi, the 30th March, 1994

S.O. 994.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecommunication, Gulbarga and their workmen, which was received by the

Central Government on 29-3-1994.

[No. L-40012/241/91-IR(DU) (Pt.)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated this 24th day of March, 1994

PRESENT :

Sri M. B. Vishwanath, B.Sc., B.I., Presiding Officer.
Central Ref. No. 75/92

I PARTY

Bhairappa,

S/o. Peerappa Waghmore,
C/o. B. K. Hiremath, Advocate.
H. No. 16-DRT,
Opp. M. R. M. College,
Gulbarga-585 101.

(Sri B. K. Hiremath, Advocate).

Versus

II PARTY

1. The Development Officer,
Director of Engineering,
Telecom Officer,
Gulbarga P.O.
Gulbarga-585 101.
2. The Jr. Engineer,
Microwave Project, Station,
Gulbarga-585 101.

AWARD

In this reference made by the Hon'ble Central Govt. by its order No. L-40012/241/91-IR(DU) dated 25-9-1992 under Section 10(2A)(1)(d) of I.D. Act the point for adjudication as per schedule is :—

“Whether the action on the part of the Deptt. of Telecommunication, Gulbarga in terminating the services of Sri Bhairappa S/o Peerappa Waghmore, Ex-Casual Labour is justified ? If not, what relief he is entitled to?”

2. After issue of notices, the I party workman has put in appearance through an Advocate and has filed his claim statement.

3. The II party has been served with the notice issued by the Tribunal. The II party has sent a telegram which has been received by this Tribunal on 21-10-1992, praying for time. The II party has written three other letters as could be seen from the records. Unfortunately nobody has filed power for II party nor any office on behalf of the II party was present before the Tribunal to represent the case of the II party. The II party has to think it, if the matter is disposed of ex parte.

4. Since nobody represented the II party the case was posted for evidence from time to time.

5. On 23-3-1994 the II party's evidence was taken closed. Then the I party got himself examined. Arguments of the Learned counsel for the I party were heard and the case was posted for award.

6. The I party workman has sworn in his deposition that he was working as a casual mazdoor in II party at Gulbarga from 14-4-1982 to 31-5-1985. He has stated in his evidence that he was removed w.e.f. 1-6-1985. Jr. Engineer told him that there was no vacancy for him. He has stated that he repeatedly approached the II party. But II party did not taken him on duty.

7. I party has produced Ex. W.1 (Xerox copy) showing that he has worked continuously for 1038 days. Ex. W.4 is the original of Ex. W.1. Ex. W.4 has been issued by the Jr. Engineer and the Assit. Engineer of the II party. Ex. W.4 is a fool-proof document which corroborates the oral evidence of I party. It is abundantly clear from Ex. W.4 that the I party has worked for 1038 days continuously from 14-4-1982 to 16-2-1985. Even according to II party as per Ex. W.4 the I party has worked continuously for 1038 days.

8. Ex. W.2 is the certificate issued by the II party officers shows that I party has worked continuously. Ex. W.7 is the note book maintained by the I party and signed by the J.E. and A.E. of II party showing the number of days the I party has worked. Ex. W.7 also corroborates the oral evidence of I party and Ex. W.4. There can be no blinking the fact that I party has worked continuously for more than 240 days in a year. The II party could not have refused work to I party or removed him without complying with the requirements of retrenchment contemplated under Section 25-F of the I.D. Act. The conduct of II party in terminating the services of the I party clearly amounts to retrenchment.

9. The I party has produced the medical certificate issued to him by the Gulbarga Hospital showing that he had got burnt and required rest from 1-7-1985 to 1-4-1991. The I party showed before the Tribunal the burnt portion all over his chest and below the neck. It was heart-rending to see the burnt portion. The I party has stated that he has got wife and two children who are dependant on him.

10. While awarding back wages I take this period 1-7-1985 to 1-4-1991 into consideration. The I party is not entitled to back wages for this period.

11. I have come to the conclusion that the action of the II party amounts to retrenchment and the II party has not complied with the conditions for retrenchment contemplated under Section 25-F of the I.D. Act. The I party is clearly entitled to reinstatement.

ORDER

The order terminating the I party workman is set aside. The II party is directed to reinstate the I party workman forthwith with continuity of service. II party shall pay the I party 75 per cent of back-wages w.e.f. 2-4-1991. Award passed accordingly accepting the reference. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 24th day of March, 1994).

Dated. 24th March, 1994.

M. B. VISHWANATH, Presiding Officer.

नई दिल्ली, 30 मार्च, 1994

आ.आ. 995 :—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुभाग में केन्द्रीय सरकार जवाहर नवोदय विद्यालय के प्रबंधनन्तर में सम्बद्ध नियोजकों और उनके कर्मकारों के बाल अन्वेषण में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार, आंदोलिक प्रथिकरण बैगलूर के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 28-3-94 को प्राप्त हुआ था।

[म. एल-42012/30/91-आई आर (डी यू) (पार्ट)]
के वी.वी. उणी, इस्क अधिकारी

New Delhi, the 30th March, 1994

S.O.995.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jawahar Navodaya Vidyalaya, Madikeri and their workmen, which was received by the Central Government on 28-3-1994.

[No. I-42012/30/91-IR(DU)(Pt.)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, this 22nd day of March, 1994

PRESENT :

Sri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.

Central Reference No. 61/91

I PARTY :

K. R. Hemavathi,
D/o. Sri K. A. Ramaiah,
Chattaraballi village,
Madikeri Taluk,
Coorg Distt.-571201.

(By Sri V. Gopala Gouda, Advocate).

Versus

II PARTY :

The Principal,
Navodaya Vidyalaya,
Galibeedu,
Kodagu,
Madikeri-571201.

(By Sri V. P. Kulkarni, Central Govt. Advocate).

AWARD

In this reference made by the Hon'ble Central Govt. by its order No. L-42012/30/91-IR(DU) dated 19-9-1991, under Section 10(2A) (1) (d) of the I.D. Act the point for adjudications per schedule to reference is:—

“Whether the action on the part of management of Jawahar Navodaya Vidyalaya, Madikeri in terminating the services of Ms. H. R. Hemavathi, Ex. LDC w.e.f. 15-10-1988 is justified? If not, what relief the workman concerned is entitled to?”

2. In the claim statement it is contended by the I party:—

The I party workman was appointed as a L.D.C. w.e.f. 30-1-1988 till her services were illegally terminated w.e.f. 15-10-1988. The II party management held an interview on 4-11-1987 and I party was selected after interview was held. The appointment order is dated 26-1-1988. I party's appointment was sponsored by the Employment Exchange. The I party has worked for more than 240 days continuously. The II party management issued some letters on 8-10-1988 calling upon her to submit her explanation, for which the I party submitted her explanation on 10-10-88 denying the allegations made therein. Without conducting an enquiry to prove the allegations made against her, the II party management passed as order of termination dated 15-10-1988.

3. The II party is an Industry as defined under Section 2(j) of the I.D. Act. Though the I party has worked for more than 240 days continuously, the II party management, with an ulterior motive, issued different appointment orders. The II party has done unfair labour practice. The II party has not fulfilled the conditions precedent for retrenchment. The order of termination is illegal. The I party is entitled to reinstatement with back wages, continuity of service.

4. In the counter statement it is contended:—

The I party is not a workman as defined under the I.D. Act. The reference is not maintainable. The services of the I party workman (SIC) were terminated after the expiry of the terms of contract. The I party was appointed as a L.D.C. purely on temporary basis for a period of 89 days from the date of appointment order dated 26-1-1988. She reported for duty on 31-1-1988 and was relieved after the working hours of 27-4-1988. Since no regular candidate was recruited the II party management employed the I party workman again similar terms of temporary employment vide order dated 30-4-1988 and she served from 30-4-1988 to 27-4-1988 and was relieved thereafter. As the vacancy had not been filled up by regular recruitment the II party had to further employ a person on temporary basis and considering the fact that she had earlier served, the II party appointed her again on temporary basis vide order dated 28-7-1988 and she served 29-7-1988 to 15-10-1988. Thereafter the vacancy existed on the II party was filled up by proper recruitment. After each of the temporary employment the I party work-

man has been relieved of her duties and she has been reported for duty afresh during the second and third tenure of her services. In view of her duty report and acceptance of the relieving her duties she is stopped from raising any dispute. The stand of I party that she has the continuity of service cannot be accepted. The I respondent had issued a letter on 8-10-1988 calling upon the I party workman to submit her explanation. Asher explanation was not satisfactory and she was a temporary employee, her services were terminated after 15-10-1988. In any event the appointment was only till 11-10-1988 and she is not entitled to seek any enquiry as no stigma is attached to her services and the said termination is in accordance with the contract of temporary employment and not on the basis of any proven misconduct. The II party is not an Industry within the meaning of the provisions of the I.D. Act. The reference has to be rejected.

5. On the strength of the above pleadings this Tribunal has framed the following issues in the order sheet on 8-7-1992.

1. Whether the II party proves that it is not an Industry?
2. Whether the II party proves that the I party is not a workman?
3. Whether the II party proves that it has validly terminated the services of I party?
4. What Award?

6. On behalf of II party M.W. 1 S. N. Bhat, principal of the II party institution has been examined. On behalf of the I party she has got herself examined and closer her case.

7. It is argued by the Learned counsel for the II party that Education Institution is not an Industry and he relied on AIR 1963 S.C. 1873 (The University of Delhi and another vs. Ram Nath and others). This decision of the Supreme Court has been overruled by the Supreme Court in AIR 1978 S.C. 548 (Bangalore Water Supply and Sewerage Board vs. A. Rajappa and others) (please see para 124 at page 584). The Supreme Court has laid down in the BWSSB vs. Rajappa that Education can be and is, in its institutional form, an industry.

8. It has been laid down by the Supreme Court in AIR 1988 S.C. 1700 (Miss A. Sundarambal vs. Govt. of Goa, Daman and Diu and others) that school is an industry, though teacher is not a workman. In the instant case we are not concerned with a teacher. I party's case is that she was an L.D.C.

9. For the aforesaid reasons I hold issues 1 and 2 against the II party.

10. Now I take up issue No. 3. M.W. 1 S. N. Bhat, Principal of the II party Navodaya Vidyalaya has stated in his evidence that I party was working in their school as LDC on temporary basis for 89 days. She reported for duty on 30-1-1988. Ex. M.1 is the order of appointment. M.W. 1 has stated in his evidence that I party was relieved on 89th

day as per Ex. M.3. He has further stated that they could not appoint a regular candidate and so they again appointed I party afresh for 89 days as per appointment order Ex. M.4. The I party reported for duty on 30-4-1988. She was relieved again on 27-7-1988 on the 89th day. M.W. 1 has stated that they could not make a regular appointment due to administrative reasons. M.W. 1 has stated that they again appointed I party afresh for 79 days as per Ex. M.7 and I party workman reported for duty on 29-7-1988. M.W. 1 has stated that they again relieved I party on 15-10-1988 as per Ex. M.9 on the 79th day. In cross-examination M.W. 1 has denied that I party has worked for more than 240 days continuously.

11. The I party workman has stated in her evidence that though II party purported to relieve her after 89 days, again after 89 days, against after 79 days she continued to work though she was shown as reappointed on the next day. The evidence of I party workman stands to reason. It is obvious from the material on record and evidence that the II party has committed unfair labour practice. II party has tried to escape the clutches of Law by showing that there was breaks at frequent intervals and that I party had not worked continuously for more than 240 days in a year. Ex. W.5 also shows that I party worked as stated by M.W. 1 with the break of a day after 89 days again 89 days, again 79 days. To repeat. I party has stated that she continued to work though reappointment was shown the next day. On the facts and in the circumstances of the case, the evidence of I party stands to reason.

12. For the aforesaid reasons, I am of opinion, the I party has worked continuously for more than 240 days in a year. Admittedly the II party has not complied with the conditions precedent for retrenchment contemplated under Section 25-F of the I.D. Act. I party is entitled to reinstatement with continuity of service and some back wages.

13. The Learned counsel for the II party relied on Ex. M. 11 which shows one sentence order passed by the Presiding Officer, Labour Court, Mysore that the I party directly approached the Labour Court for relief. The Labour Court dismissed the I party's petition holding that it was not maintainable before the Labour Court.

14. Ex. M.12 is the order passed by the Labour Court, Chickmagalur permitting the I party to withdraw the case filed by the I party under Section 33-B of the I.D. Act. No considered order is passed by the Labour Court, Mysore or the Labour Court, Chickmagalur. Ex. M. 11 is not a reference made by the Government. So also Ex. M. 12. Exs. M. 11 and 12 cannot be made use of to defeat the rights of I party in the present reference. The present case arises out of reference made by the Central Government.

15. All other documents not referred to by me are not relevant. In any case they do not alter my conclusions reached above.

ORDER

The order of termination passed by the II party terminating the services of the I party workman is

set aside. The II party is directed to reinstate the I party forthwith with continuity of service. The II party shall pay 50 per cent of the backwages to the I party. Award passed as stated herein, accepting the reference. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 22nd day of March 1994).

M. B. VISHWANATH, Presiding Officer.

नई दिल्ली, 30 मार्च, 1994

का. आ. 996. :—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेट्वर्क भैंस अनुसंधान संस्थान के प्रबन्धतंत्र से सबूत नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकारण चंडीगढ़ के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-91 को प्राप्त हुआ था।

[म. प्र. 42012/160/92-आर.आर. (डी.य.) (पार्ट)]
के द्वारा, डी.यू.डी.एस.के अधिकारी

New Delhi, the 30th March, 1994

S.O. 996.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Instt. for Research on Buffaloes and their workmen, which was received by the Central Government on 29-3-1994.

[No. L-42012/160/92-IR(DU) (Pt.)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

CHANDIGARH

Case No. I.D. 10/94

Goli Ram Vs. Central Instt. for Research on Buffaloes.

For the workman.—Shri Tejinder Singh.

For the management.—None.

AWARD

Central Govt. vide gazette notification No. L-42012/160/92-I.R. (D.U.) dated 16-12-1993 issued U/S. 10(1)(d) of Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Instt. for Research on Buffaloes, Nabha in terminating the services of Shri Goli Ram, S/o. Shri Ram Parshad

w.e.f. 17-8-1990 is legal and justified? If not, what relief the concerned workman is entitled to and from what date?"

2. The petitioner has made a statement that the present case has been settled. He does not want to pursue with the present reference and no dispute award be returned. In view of the statement made by the petitioner identified by the representative of the petitioner, no dispute award is returned to the Ministry.

ARVIND KUMAR, Presiding Officer.

नई दिल्ली, 30 मार्च, 1994

का.आ. 997 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार द्वारा 29-3-94 को प्राप्त हुआ था।

[एल-42012/148/92-आई आर(डी.यू.) (पार्ट)]
के.वी.वी. उण्णी, डैस्क अधिकारी

New Delhi, the 30th March, 1994

S.O. 997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Instt. for Research on Buffaloes and their workmen, which was received by the Central Government on 29-3-94.

[No. L-42012/148/92-IR(DU)(Pt.)]
K. V. B. UNNY, Desk Officer
ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 156/93

Mohinder Singh Vs. Central Instt. for Research on Buffaloes.

For the workman.—Shri Tejinder Singh

For the management —None.

AWARD

Central Govt. vide Gazette Notification No. L-42012/148/92-I.R.(DU) dated 13-12-93 issued U/s 10(1) (d) of Industrial Disputes Act 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Central Institute for Research on Buffaloes, Nabha in terminating the services of 895 GI/94—14.

Shri Mohinder Singh, S/o Sh. Ruran Singh w.e.f. 17-8-90 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. The petitioner has made a statement that the present case has been settled. He does not want to pursue with the present reference and no dispute award be returned. In view of the statement made by the petitioner identified by the representative of the petitioner, no dispute award is returned to the Ministry.

Chandigarh.
Dt. 17-3-1994.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 30 मार्च, 1994

का.आ. 998:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैस अनुसंधान संस्थान के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-94 को प्राप्त हुआ था।

[सं एल-42012/155/92-आई.आर. (डी.यू.) (पार्ट)]
के.वी.वी. उण्णी, डैस्क अधिकारी

New Delhi, the 30th March, 1994

S.O. 998.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Instt. for Research on Buffaloes and their workmen, which was received by the Central Government on 29-3-94.

[No. L-42012/155/92-IR(DU)(Pt.)]
K. V. B. UNNY, Desk Officer
ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 152/93

Gurnam Singh Vs. Central Institute for Research on Buffaloes.

For the workman : Shri Tejinder Singh.

For the management : None.

AWARD

Central C/w. vide Gazette Notification No. L-42012/155/92-IR(DU) dated 13-12-1993 issued U/s. 10(1) (d) of Industrial Disputes Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Instt. for Research on Buffaloes,

Nabha in terminating the services of Shri Gurnam Singh S/o. Sh. Kehar Singh w.e.f. 17-8-90 is legal and justified ? If not, what relief the concerned workman is entitled to and from what date ?"

2. Narinder Singh General Secretary authorised representative of the petitioner has made a statement that the present case has been settled. The Union does not want to pursue with the present reference. No dispute award be returned to the Ministry. In view of the statement made by the authorised representative Narinder Singh, no dispute award is returned to the Ministry.

Chandigarh.

Dt. 17-3-1994.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 30 मार्च, 1994

का. ग्रा. 999.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भौम अनुसंधान संस्थान के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण चंडीगढ़ के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-94 को प्राप्त हुआ था।

[सं. एल-42012/153/92-आई.आर. (डी.यू.) (पार्ट)]
के. वी. वी. उर्णि, डेस्क अधिकारी

New Delhi, the 30th March, 1994

S.O. 999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Instt. for Research on Buffaloes and their workmen, which was received by the Central Government on 29-3-94.

[No. L-42012/153/92-IR(DU)(Pt.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 151/93

Ramu Vs. Central Instt. for Research on Buffaloes.

For the workman : Shri Tejinder Singh

For the management : None.

AWARD

Central Government vide Gazette Notification No. L-42012/153/92-IR(DU) dated 13-12-1993 issued U/s 10(1) (d) of Industrial Disputes Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Instt. for Research on Buffaloes Nabha in terminating the services of Shri Ramu, S/o Shri Ram Sabadhi w.e.f. 17-8-90 is legal and justified ? If not, what relief the concerned workman is entitled to ?"

2. The petitioner has made a statement that the present case has been settled. He does not want to pursue with the present reference and no dispute award be returned. In view of the statement made by the petitioner identified by the representative of the petitioner, no dispute award is returned to the Ministry.

Chandigarh.

Dt. 17-3-94.

ARVIND KUMAR, Presiding Officer.

नई दिल्ली, 30 मार्च 1994

का.ग्रा. 1000.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मद्रास टेलीफोन्स के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 29-3-94 को प्राप्त हुआ था।

[संख्या एल-40012/254/91-आई.आर. (डी.यू.) (पार्ट)]
के. वी. वी. उर्णि, डेस्क अधिकारी

New Delhi, the 30th March, 1994

S.O. 1000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Telephones and their workmen, which was received by the Central Government on 29-3-94.

[No. L-40012/254/91-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer.

BEFORE THE INDUSTRIAL TRIBUNAL.
TAMIL NADU, MADRAS

Friday, the 4th day of March, 1994

PRESENT :

Thiru K. Sampath Kumaran, B.A., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 83/92

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Madras Telephones, Madras)

BETWEEN :

Thiru S. Munusamy, S/o. Sanniyasi, 40, Venkataranya Pillai Street, Sivarajapuram, Madras-600001.

AND

The General Manager, Madras Telephones, 17, Purasawalkam High Road, Madras-7

REFERENCE :

Order No. L-40012/254/91-IR(DU), dated 25-9-92, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru S. Seshadri, Central Government Pleader appearing for the Management upon perusing the reference and other connected papers on record and the workman being absent, this Tribunal passed the following :

AWARD

This dispute arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by Government of India, between the Workman and the Management of Madras Telephones, for adjudication of the following issue :

"Whether the action of the Management of Madras Telephones in terminating the ser-

vices of Sh. S. Munusamy, Casual Labour is justified ? If not, what relief he is entitled to ?"

Publication not taken. The Respondent's Counsel is present.

Petitioner called absent. Neither his correct address could be ascertained, nor could he be served at the address available.

Hence the Industrial dispute is dismissed for default.

Dated, this the 4th day of March, 1994.

THIRU K. SAMPATH KUMARAN
INDUSTRIAL TRIBUNAL

मही दिनी, 31 मार्च, 1994

का.ला. 1001.—केंद्रीय राज्य कीमा अधिनियम, 1948 (1948 का 34) की धारा-1 उपाधा (3) द्वारा प्रदत्त अधिकारों का प्रयोग करने द्वारा केंद्रीय सरकार उत्तराय-1-5 वर्षों के उत्तराय के लक्ष्य से नियन्त्रकर्ता है, जिसको एक अधिनियम के अध्याय-4 (धारा 44 और 45 के सिवाय जो पहले ही प्रभूत की जा चकी है) और अध्याय-5 और 6 (धारा-76 से उपाधा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रभूत की जा चकी है) के उपरान्त पंजाब राज्य के नियन्त्रित क्षेत्र में फैला होगा। अपेक्षा :

राजस्व गांव का नाम	हाद बस्तु नंम्बर	तहसील	जिला
1. चंदीठी	221	जालंधर	जालंधर
2. सुनिं पिंड	215	जालंधर	जालंधर
3. बस्ती पिंडाहर	313	जालंधर	जालंधर
4. धनोपाली	189	जालंधर	जालंधर

[संलग्न : पंस-38013/4/94-पंसपंस-1]

जे. पी. शुक्ला, अवर मंचिव

New Delhi, the 31st March, 1994

S.O.100).—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (24 of 1948) the Central Government hereby appoints the 1st May, 1994 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force of the said Act shall come into force in the following areas in the State of Punjab namely :—

Name of Revenue Village	Had Bast No	Tahsil	District
1. Chogittee	221	Jalandhar	Jalandhar
2. Suchi Pind	215	Jalandhar	Jalandhar
3. Bosti Pitdad	313	Jalandhar	Jalandhar
4. Dhunewali	189	Jalandhar	Jalandhar

[No. S-38013/4/94-SS. I]
J.P. SHUKLA, Under Secy.

वड़ दिल्ली, 21 मार्च, 1992

New Delhi, the 24th March, 1994

का.आ. 1002.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 अन्वयन (3) द्वारा प्रदत्त गतियों का प्रयोग करते हुए केन्द्रीय सरकार एवं वड़ाग 1-4-1994 को उस रूप में नियत करता है, जिसको उक्त अधिनियम ने अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जानकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जानकी है) के उपबन्ध केरल राज्य के नियन्त्रित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“ग्राम पथनमर्थीता के मन्त्रापल्ली नालुक में राजस्व ग्राम कवियर के अंतर्गत आने वाले क्षेत्र।”

[ख्या. एम-38013/3/94-एमएस-1]

जे.पी. शुक्ला, अवर मन्त्रिव

S.O. 1002.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 1994 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Kerala namely :—

“The areas within the revenue village of Kaviyoor in Mallapally taluk of Pathanamthitta District.”

[No. S-38013/3/94-SS. 1]
J. P. SHUKLA, Under Secy.